



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

**WEDNESDAY, JUNE 27, 2007**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY REGULAR MEETING**

**6:30 P.M.**

*A Special Meeting of the City Council is Called at 6:30 P.M. to Conduct Interviews for the Senior Advisory Commission.*

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**Steve Tate, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Tate)

**ROLL CALL ATTENDANCE**

(Municipal Services Assistant Rice)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(Municipal Services Assistant Rice)

**6:30 P.M.**

## ***City Council Action***

### **INTERVIEWS:**

	<b>Time Estimate</b>		<b>Page</b>
<b>1.</b>	<b>30 Minutes</b>	<b><u>INTERVIEWS TO FILL A VACANCY ON THE SENIOR ADVISORY COMMISSION</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. Council <b><u>Discussion</u></b> About the Characteristics/Traits it is Seeking in Candidates to Serve on the Senior Advisory Commission; 2. Council to <b><u>Conduct</u></b> Interviews; 3. Council to <b><u>Identify</u></b> its Top Candidate, Plus 1, as Deemed Appropriate; and 4. Mayor to <b><u>Return with Recommended</u></b> Appointments for Council Discussion and Ratification of Appointments; or 5. Mayor to Appoint to Fill One Vacancy, Subject to City Council Ratification.	

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **PRESENTATION**

International Bluegrass Museum Hall of Honor Inductee  
*Jake Quesenberry*

### **PROCLAMATIONS**

### **RECOGNITIONS**

### **CITY COUNCIL REPORTS**

Council Member Sellers

### **CITY COUNCIL COMMITTEE REPORTS**

### **CITY MANAGER'S REPORT**

### **CITY ATTORNEY'S REPORT**

### **OTHER REPORTS**

### **PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.

## *City Council and Redevelopment Agency Action*

### ADOPTION OF AGENDA

## *City Council Action*

### CONSENT CALENDAR:

#### ITEMS 2-23

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

#### Time Estimate

#### Page

Consent Calendar: 1 - 10 Minutes

2. NEW LIBRARY PROJECT – FINAL CONSTRUCTION PROGRESS REPORT .....  
Recommended Action(s): Information Only.
3. NEW OUTDOOR SPORTS CENTER PROJECT – MAY CONSTRUCTION PROGRESS REPORT .....  
Recommended Action(s): Information Only.
4. DONATION OF SURPLUS COMPUTER EQUIPMENT .....  
Recommended Action(s): Authorize the Purchasing Officer to Donate Used Computer Equipment to Public Educational Institutions, as Described in the Staff Report.
5. MAY 2007 FINANCE & INVESTMENT REPORT – CITY .....  
Recommended Action(s): Accept and File Report.
6. AMEND CITY OF MORGAN HILL FISCAL YEAR 2006-2007 BUDGET .....  
Recommended Action(s): Approve Budget Actions Detailed in Exhibit A.
7. COUNCIL RESOLUTION SUPPORTING GRANT FUNDING FOR ADDITIONAL TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDING .....  
Recommended Action(s):
  1. Approve Resolution Supporting the 2007-2008 TDA Article 3 Grant Funding for an Additional \$9,000 to Complete the Trails and Natural Resources Study; and
  2. Appropriate \$20,000 from the City's Un-Appropriated Park Development Fund Balance (302) to Cover These Additional Services and Additional CIP Administration Costs for Completing the Study.
8. AWARD OF CONTRACT TO PROVIDE PLAN CHECKING SERVICES ASSISTANCE ON AN AS-NEEDED BASIS .....  
Recommended Action(s):
  1. Approve Fiscal Year 2007-2008 Professional Services Contract with Harris & Associates to Provide Contract Plan Checking Services on an As-Needed Basis at a Not-to-Exceed Fee of \$119,900; and
  2. Authorize the City Manager to Execute the Contract, Subject to Review and Approval by the City Attorney.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

9. **SUPPORT OF GREEN CHALLENGE 07-09 PROGRAM** .....  
**Recommended Action(s):** **Become** an Official Sponsor of the Green Challenge 07-09 Program.
10. **FINAL MAP APPROVAL FOR ROSE GARDEN PHASE I (TRACT 9880)** .....  
**Recommended Action(s):**
  1. **Approve** the Final Map, Subdivision Agreement, and Improvement Plans;
  2. **Authorize** the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney; and
  3. **Authorize** the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
11. **FINAL MAP APPROVAL FOR SAN SAVINGNO PHASE I AND II (TRACT 9853)** .....  
**Recommended Action(s):**
  1. **Approve** the Final Map, Subdivision Agreement, and Improvement Plans;
  2. **Authorize** the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney; and
  3. **Authorize** the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
12. **FINAL MAP APPROVAL FOR CAPRIANO PHASE 8 (TRACT 9919)** .....  
**Recommended Action(s):**
  1. **Approve** the Final Map, Subdivision Agreement, and Improvement Plans;
  2. **Authorize** the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney;
  3. **Authorize** the City Clerk to Sign the Final Map Authorizing Abandonment of Unused Easements; and
  4. **Authorize** the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
13. **AWARD MONTEREY ROAD AND MAIN AVENUE INTERSECTION IMPROVEMENT PROJECT** .....  
**Recommended Action(s):**
  1. **Appropriate** \$225,000 from the Un-Appropriated Traffic Impact Fund Balance (309) to Fully Fund Construction and Associated Costs of this Project;
  2. **Award** Contract to McGuire & Hester for the Construction of Monterey Road and Main Avenue Phase II Traffic Signal Modifications Project in the Amount of \$390,305; and
  3. **Authorize** Expenditure of Construction Contingency Funds Not to Exceed \$39,030.
14. **AWARD OF CONTRACT TO PROVIDE PUBLIC WORKS TESTING AND INSPECTION SERVICES ON AN AS-NEEDED BASIS** .....  
**Recommended Action(s):**
  1. **Approve** a Professional Services Contract with Testing Engineers, Inc. (TEI) to Provide Public Works Testing and Inspection Services on an As-Needed Basis at a Not-to-Exceed Cost of \$75,000 for Fiscal Year 2007-2008; and
  2. **Authorize** the City Manager to Execute the Contract, Subject to Review and Approval by the City Attorney.
15. **CONTRACT FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR (TPA)** .....  
**Recommended Action(s):** **Authorize** the City Manager to Execute a Consultant Services Agreement for Third Party Administration of Workers' Compensation at a Cost Not to Exceed \$50,000 Over the Term of the Agreement; Subject to Review and Approval by the City Attorney.
16. **APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 30, 2007** .....

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

17. **NEW AND AMENDED JOB DESCRIPTIONS AND SALARY RANGES** .....  
**Recommended Action(s):**  
  1. **Adopt** Resolution Amending the Management, Professional, and Confidential Employees Resolution No. 6094 to Add and Amend Job Descriptions and Salary Ranges;
  2. **Amend** the AFSCME Memorandum of Understanding Approved by the City Council on October 5, 2005 to Add and Amend Job Descriptions and Salary Ranges; and
  3. **Amend** Fiscal Year 2007-2008 Authorized Personnel Allocations to Delete One Assistant Engineer Position and Add One Associate Engineer Position to Accommodate a Reclassification.
  
18. **FRIENDLY INN LEASE AGREEMENT WITH THE YMCA OF SANTA CLARA VALLEY** ..... **10**  
**Recommended Action(s):** **Authorize** the City Manager to Execute a Lease Agreement Thru December 31, 2007 with the YMCA of Santa Clara Valley at the Friendly Inn.
  
19. **COYOTE VALLEY SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT** ..... **22**  
**Recommended Action(s):** **Direct** Mayor to Sign and Forward Comment Letter and South County Agencies Letter to the City of San Jose.
  
20. **ADOPT ORDINANCE NO. 1839, NEW SERIES** ..... **34**  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1839, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ARTICLE II, THE STANDARDS AND CRITERIA AND PROCEDURES OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM AS SET FORTH IN CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE.**
  
21. **ADOPT ORDINANCE NO. 1840, NEW SERIES** .....  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1840, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DESCRIBING THE MORGAN HILL REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN.**
  
22. **ADOPT ORDINANCE NO. 1841, NEW SERIES** .....  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1841, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1787 NEW SERIES, DAA-05-08: CHURCH-ALCINI, TO ALLOW FOR AN 8-MONTH EXTENSION OF THE COMMENCEMENT OF CONSTRUCTION DATE FOR 14 BUILDING ALLOCATIONS GRANTED FOR FISCAL YEAR 2006-2007 FOR MC 04-15: CHURCH – ALCINI. ALSO, APPROVED IS THE TRANSFER OF THE DEVELOPMENT AGREEMENT PERFORMANCE DATES OUT OF EXHIBIT "B" OF THE DEVELOPMENT AGREEMENT AND INTO A SEPARATE RESOLUTION. (APN 817-01-061 & 064) (DAA-05-08: CHURCH – ALCINI)**
  
23. **ADOPT ORDINANCE NO. 1842, NEW SERIES** .....  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1842, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION, DAA-06-06: MONTEREY - GUNTER TO ALLOW A ONE-YEAR EXTENSION OF THE COMMENCE CONSTRUCTION DEADLINE FOR THE FISCAL YEAR 2006-2007 BUILDING ALLOTMENTS. (DAA-06-06: MONTEREY – GUNTER)**

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 24**

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

24. **MAY 2007 FINANCE & INVESTMENT REPORT – RDA** .....  
**Recommended Action(s):** Accept and File Report.

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 25-26**

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

25. **APPROVE JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 6, 2007** .....  
 26. **APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 13, 2007** .....

## ***City Council Action***

### **PUBLIC HEARINGS:**

Time Estimate

Page

27. **1 Minute** **HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES – 345 SPRING AVENUE** .....  
 Public Hearing Opened.  
 Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
 Council Discussion.  
 Action- **Grant** Exemption to the Requirement to Underground Utilities with Payment of in Lieu Fees for the Proposed Development at 345 Spring Avenue.
28. **6 Minutes** **DEVELOPMENT AGREEMENT AMENDMENT, DAA: 04-09: EAST DUNNE-DELCO** .....  
 Public Hearing Opened.  
 Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
 Council Discussion.  
 Action- **Motion to Waive** the Reading in Full of Ordinance.  
 Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)

## ***Redevelopment Agency Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
29.	15 Minutes	<b><u>AMENDMENT TO THE FIVE YEAR IMPLEMENTATION PLAN (2004-2009)</u></b> <b><u>ADDING A PUBLIC SAFETY PROGRAM</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Adopt</u></b> Resolution Which Amends the Morgan Hill Redevelopment Agency Implementation Plan (2004-2009).	

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
30.	10 Minutes	<b><u>FOX HOLLOW/MURPHY SPRINGS LANDSCAPE ASSESSMENT DISTRICT –</u></b> <b><u>CONTE GARDENS SUB AREA</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Continue</u></b> Current Financial Plan to Eliminate Fund Balance Deficit; and 2. <b><u>Continue</u></b> to Work with Conte Gardens Sub Area Property Owners and Adjacent Homeowners Associations to Improve the Condition of the Conte Gardens Sub Area.	
31.	10 Minutes	<b><u>STATE ASSEMBLY BILL 345 AND STATE ASSEMBLY BILL 346</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Adopt</u></b> Resolution Supporting AB 345 and AB 346; and 2. <b><u>Authorize</u></b> the Mayor to Send the Letter Supporting AB 345 and AB 346.	
32.	10 Minutes	<b><u>CABLE TELEVISION EDUCATIONAL ACCESS</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Designate</u></b> the Morgan Hill Unified School District (District) and Gavilan College as the Two Educational Access Cable Television Providers for the City of Morgan Hill; 2. <b><u>Authorize</u></b> the City Manager to Execute a Formal Agreement with the District and Gavilan College for a Term Not to Exceed Two Years, Subject to Review and Approval by the City Attorney. The Agreements Shall Specifically Require that Annual Reports be Submitted to the City Council; 3. <b><u>Direct</u></b> Staff to Notify Media Access Coalition of Central California (MACCC) That They are Welcome to Add Educational Programming to Channel 17; and 4. <b><u>Direct</u></b> Staff to Formally Request that Charter Cable Connect Each of the Designated Studies to the Cable System Within 60 Days.	
33.	10 Minutes	<b><u>METCALF ENERGY CENTER AIR MONITORING</u></b> ..... <b><u>Recommended Action(s):</u></b> <b><u>Direct</u></b> Staff to Add Metcalf Energy Center Monitoring Station to an Upcoming Agenda of the City/School Liaison Committee.	
34.	20 Minutes	<b><u>CITY COUNCIL ADOPTED POLICIES AND PROCEDURES</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Review</u></b> Adopted City Council Policies and Procedures; and 2. <b><u>Reaffirm, Amend, and/or Delete</u></b> Policies, as Deemed Appropriate.	

**FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

***City Council Action***

**CLOSED SESSION:**

**1.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority:	Government Code Section 54956.9(a)
Case Name:	<u>Moniz v. City of Morgan Hill</u>
Case Number:	County of Santa Clara No. 1-05-CV-053742
Attendees:	City Manager; City Attorney

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**ADJOURNMENT**



**PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:** *June 27, 2007*

### **FRIENDLY INN LEASE AGREEMENT WITH THE YMCA OF SANTA CLARA VALLEY**

#### **RECOMMENDED ACTION(S):**

Authorize the City Manager to execute a lease agreement thru December 31, 2007 with the YMCA of Santa Clara Valley at the Friendly Inn.

#### **EXECUTIVE SUMMARY:**

The YMCA of Santa Clara Valley has been leasing space at the Friendly Inn since 1992. With the completion of the Centennial Recreation Center, the YMCA Mt. Madonna Branch no longer needs as much lease space as in the past. The lease agreement (Attachment A) is through December 31, 2007. The lease is for 731 square feet of office space and access to restroom facilities.

The YMCA is interested in maintaining tenancy through the solicitation of future tenants at Friendly Inn. Currently, it is estimated that renovation of the Friendly Inn may begin as early as January 2008. Therefore, the City is able to enter into a new lease agreement with the YMCA effective July 1, 2007 through December 31, 2008.

#### **FISCAL/RESOURCE IMPACT:**

No fiscal/resource impact is associated with renewing the lease agreement.

Agenda Item # **18**

Prepared By:

*MCD*  
Management Analyst

Approved By:

*SW*  
Recreation and  
Community Services  
Director

Submitted By:

*[Signature]*  
City Manager

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## LEASE AGREEMENT

### YMCA OF SANTA CLARA VALLEY

THIS AGREEMENT is made this \_\_\_\_\_ day of, \_\_\_\_\_, 2007 by the CITY OF MORGAN HILL, a municipal corporation, ("CITY"), and, the YMCA OF SANTA CLARA VALLEY, (YMCA), a California Corporation.

### RECITALS

The following recitals are a substantive part of this Agreement:

1. CITY owns and maintains buildings known as the Friendly Inn, located at 17666 Crest Avenue in the City of Morgan Hill.
2. CITY has space available in the building which is not presently needed by CITY, and CITY desires to lease this space to serve a public, quasi-public, or non-profit function.
3. YMCA desires to lease the Friendly Inn for the purposes of operating a community branch of the YMCA.
4. This Agreement supersedes in all respects the previous Lease Agreement between the parties dated October 22, 1992, November 18, 1992, October 17, 1995, October 16, 1996, January 26, 1998, January 20, 1999, August 21, 2002, November 15, 2004 and February 23, 2007.

### AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Premises.** Subject to the terms and conditions set forth herein, CITY agrees to lease to YMCA 731 square feet of office space and access to restroom facilities at 17666 Crest Avenue ("PREMISES"). Use of other space is not permitted without prior written approval. A description of the property upon which the buildings are located is set forth in Exhibit "A", attached hereto and incorporated by this reference.
2. **Term.** The lease term commencing July 1, 2007 until December 31, 2007, subject to annual review and renewal by the City Council on or about December 1. At the option of CITY, the Lease may be renewed for subsequent term upon conditions to be agreed upon between the parties.
3. **Termination.** In the event either Party to the Agreement determines that it no longer wishes to continue with the Lease, it shall give the other Party 120 days written notice of such intent.

4. **Consideration/ Rent.**

4.1 As consideration for YMCA's use of the PREMISES in accordance with the terms and conditions of this Lease, YMCA agrees to pay to CITY on the date of execution of this Agreement and upon said subsequent anniversary dates of such execution during such time as this Agreement continues to remain in effect, one dollar (\$1.00) per year as rental for said PREMISES. YMCA shall reimburse to CITY, upon demand, any expense for property taxes assessed on the PREMISES, which results from the tenancy for property taxes and operations of the YMCA.

4.2 Requests for capital improvement funding will be made according to provisions in 9.1(a) of this Lease. All future funding will be at the discretion of the City Council and shall be made through the City's normal budgetary process.

5. **Condition of Premises Upon Termination.** Upon termination of this Lease, except as otherwise agreed to herein, YMCA shall redeliver possession of the PREMISES to CITY in substantially the same condition that existed at the execution of this Agreement, and reasonable wear and tear.

6. **Disposition of Abandoned Personal Property.** If YMCA abandons the PREMISES or is dispossessed thereof by process of law or otherwise, title to any personal property belonging to YMCA and left on the PREMISES forty-five (45) days after such abandonment shall be deemed to have been transferred to CITY. CITY shall have the right to remove and to dispose of such property without liability to YMCA or to any person and shall have no need to account for the property.

7. **Notices.** All notices pursuant to this Agreement shall be addressed as set forth below, or as either Party may subsequently designate by written notice, and shall be sent through the United States mail:

a. Address of YMCA is as follows:  
YMCA of Santa Clara Valley  
1922 The Alameda, 3<sup>rd</sup> Floor  
San Jose, CA 95126

b. Address of CITY is as follows:  
City of Morgan Hill (with a copy to)  
City Manager's Office City Clerk  
17555 Peak Avenue 17555 Peak Avenue  
Morgan Hill, CA 95037 Morgan Hill, CA 95037

8. Use.

- 8.1 Compliance with Law: Condition of PREMISES. YMCA warrants to CITY that it shall comply, at its expense, with all statutes, ordinances, rules, orders, and regulations of the federal, state, county, and municipal authorities now in effect or which may hereafter come into effect, whether or not they reflect a change in policy from that now existing as well as any easements, covenants, or restrictions of record relating in any manner to the PREMISES and the occupation and use by YMCA of PREMISES. YMCA shall conduct its business in such a manner, both as regards to noise and all other nuisances, as will not interfere with, annoy, or disturb CITY or any other tenant of the Friendly Inn in the conduct of its business, or CITY in the management of the facility.
- 8.2 YMCA shall not use its leasehold interest in the building either directly or indirectly as security or collateral for the borrowing of any money or the making of any loan.

9. Maintenance and Repairs.

9.1 Landlord's Obligations.

- a. PREMISES. Except for damage caused by negligence or misconduct of YMCA, its employees, agents, and visitors, in which event YMCA shall pay for or repair damage at CITY's option, CITY, at CITY's sole cost and expense, shall maintain and keep the exterior of the Friendly Inn and Senior Center and the adjacent parking lot in good condition. CITY will be responsible to ensure that the Friendly Inn complies with the Americans with Disabilities Act and all other legal requirements at the time and in the manner such compliance is required.

YMCA will be solely responsible for maintaining the interior of the PREMISES. Should capital improvements to the PREMISES be desired or deemed necessary by the YMCA, the YMCA will contact the CITY regarding the improvements. Capital improvements are defined as improvements to the site with a cost of more than \$500 and a life expectancy greater than one year. If the YMCA wishes the City to fund the capital improvements, the YMCA will contact the City by January 30, of each contract year, and the CITY will consider these improvements during the adoption of the next FY budget. The CITY shall approve all capital improvements to the PREMISES, even if paid for by the YMCA. YMCA expressly waives the benefits of any statute now or hereafter in effect which would otherwise afford YMCA the right to make repairs or improvements at CITY'S expense.

- 9.2 YMCA'S Obligation. YMCA, at YMCA's sole cost and expense, shall maintain and keep in good order, condition, and repair the PREMISES and every part thereof not required to be maintained and repaired by CITY, including any equipment within the PREMISES or serving only the PREMISES. YMCA shall

be responsible for the costs of normal and usual custodial care.

10. **Destruction of PREMISES.**

10.1 **Partial Destruction.** In the event of an insured partial destruction of the PREMISES due to fire or other casualty (partial being defined as damage to the extent that the cost of repair is less than thirty-three (33%) of the then replacement cost of the facility), CITY shall promptly repay the same and restore the same (but not YMCA'S fixtures, equipment, or improvements installed or attached to the PREMISES for or by the YMCA, nor any of YMCA's personal property, which YMCA shall repair at its sole cost and expense) to the condition immediately before the damage, and this Lease shall continue in full force and effect. In the event of an uninsured partial destruction of the PREMISES due to fire or other casualty which damage prevents YMCA from reasonable use of the PREMISES, unless caused by the negligent or willful act or omission of YMCA (in which event YMCA shall make repairs at the YMCA'S cost and expense), CITY may at CITY'S option either (a) promptly repair such as damage at the CITY'S expense, in which event this Lease will continue in full force and effect; or (b) give written notice to YMCA within thirty (30) days after the date of occurrence of such damage, of CITY'S intention to cancel and terminate this Lease as of the date of occurrence of such damage

10.2 **Total Destruction.** In the event of a total destruction of the PREMISES (total destruction being defined as damage to the extent that the cost to repair is equal or greater than thirty-three percent (33%) of the then replacement cost of the PREMISES, whether or not it is an insured loss, either YMCA or CITY shall have the right and option to terminate this Lease by written notice sent to the other within thirty (30) days after the date of destruction

11. **Utilities.** YMCA shall pay promptly as they become due, all utility charges for the furnishing of water, electricity, gas, garbage, telephone and all other public utilities to the demised property during the term of this Lease. CITY shall not be liable in any respect whatsoever, for the inadequacy, stoppage, interruption, or discontinuance of any utility or service due to riot, strike, labor, dispute, breakdown, accident, repair, or other cause beyond CITY'S reasonable control or in cooperation with governmental request or directions.

12. **Signage.** YMCA shall be authorized to display signage in conformance with CITY regulations at the facility

13. **Default.**

13.1 **Term.** If YMCA defaults in the performance of any term, covenant, condition, or obligation of YMCA under this Lease and fails to cure such default within a period of thirty (30) days after receipt of written notice from CITY specifying default.

- 13.2 Abandonment. If YMCA abandons any portion of the PREMISES, notwithstanding anything contained herein to the contrary, it is understood that YMCA shall be in default of this provision should it vacate the PREMISES even if it continues to pay when due, the rental and all other charges provided for in this Lease.
- 13.3 Falsehood. If CITY discovers that any financial statement given to CITY by YMCA, or its successors in interest or any proposed or actual assignee or subtenant of YMCA, was false.
- 13.4 Termination. Upon the occurrence of any event of default, CITY may, with or without notice or demand, and without prejudice to any other right or remedy it may have under any Section of this Lease or at law or in equity: Terminate this Lease, in which event CITY shall be entitled to recover from YMCA all damages incurred by CITY by reason of YMCA'S default including, but not limited to, the cost of recovering possession of the PREMISES: expenses of reletting, including necessary repairs, renovations, and alteration of the PREMISES, and any real estate commission actually paid, sums equal to the rent and other monetary obligations hereunder which would have been payable if not for such termination.
14. Inspection of PREMISES. CITY and CITY'S agents shall have free access to the PREMISES during normal business hours on 24-hour advance notice (or less in the case of emergencies) for the purposes of inspection, the maintenance and making of repairs or services required of CITY, pursuant to court order showing the same to prospective purchasers and showing the same to prospective tenants (during last six months of the term only). This paragraph shall not apply to entries on the property by CITY in case of an emergency, after YMCA has abandoned or surrendered the PREMISES, or in cases where it is impractical to comply with the requirements of this paragraph provided, however, that entry by CITY on the property may not, except in cases of emergency or after YMCA has abandoned or surrendered the PREMISES, be made during other than normal business hours unless YMCA consents at the time of entry.
15. Insurance. YMCA shall, at its own cost and expense, procure and maintain during the entire term of this Lease, public liability insurance and property damage insurance issued by an insurance company acceptable to CITY and insuring CITY against loss or liability caused by or connected with YMCA'S occupation and use of the Premises under this Lease in amounts not less than:
- a. One Million Dollars (\$1,000,000) for injury or death of any one person, or not less than Five Million Dollars (\$5,000,000) for injury to or death of two or more persons as a result of any once accident; and
  - b. One Million Dollars (\$1,000,000) for damage to or destruction of any property of others.
  - c. The above minimum limits of policies shall not, however, limit the liability of YMCA hereunder. YMCA shall also procure and continue in



force throughout the term worker's compensation insurance or equivalent protection.

16. **Indemnification.** YMCA agrees to indemnify and hold harmless CITY and its elective or appointive boards, officers, agents, employees, from any and all liability for injury to, or death of any person, including employees of YMCA, or for damage to property arising from the use and occupancy of the leased property by YMCA or from the act or omission of any person or persons, including YMCA employees, members or renters of the PREMISES in or about the leased property with the expressed or implied consent of YMCA or its employees, provided however, that the foregoing shall not relieve CITY from any injury or damage resulting from the sole negligence of CITY.
17. **Assignment and Subletting.** YMCA may not assign this Lease, nor sublet any portion of the Premises, without City's prior written consent.
18. **Rental Revenue.** Revenue derived by YMCA resulting from rental of Lease space in accordance with the terms the lease shall accrue to YMCA. YMCA shall bear all costs and expenses related to such rental.
19. **Nontermination and Nonabatement.** Except as provided herein, no destruction or damage to the PREMISES by fire, windstorm, or other casualty, whether insured or uninsured, shall entitle YMCA to terminate this Lease.
20. **Waiver of Statutory Rights.** YMCA waives any statutory rights of termination which may arise by reason of any partial or total destruction of the PREMISES.
21. **Hazardous Substances.** No goods, merchandise, or material shall be kept, stored or sold in the PREMISES which are in any way explosive or hazardous; and no offensive or dangerous trade, business, or occupation shall be carried on. Further, nothing shall be done on or from PREMISES other than provided by for in this Agreement involving hazardous substances in any fashion.
22. **Annual Meeting.** CITY and YMCA agree to continue to conduct an annual meeting on or near the anniversary date of the original agreement, October 22. YMCA agrees to provide an annual report and evaluation of activities. Ideas and suggestions for the upcoming year will be discussed. The Senior Center Advisory Board will be invited to participate in the annual activities review.
23. **Modification.** This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified only by subsequent mutual written agreement executed by CITY and YMCA.
24. **Time of Essence.** Time is of the essence in the performance of this Agreement.
25. **Authority to Execute.** The persons executing this Agreement on behalf of the Parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.

26. **Waiver.** All waivers of the provisions of this Lease must be in writing by the appropriate authorities of CITY and YMCA. The waiver by CITY of any breach of any provision of this Lease shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or a different provision of this Lease.
27. **California Law.** This Lease shall be construed in accordance with the laws of the State of California. Any action commenced pursuant to this Lease shall be initiated in the central or main branch of the Santa Clara Superior Court.
28. **Non-Discrimination.** YMCA covenants there shall be no discrimination against or segregation of any person, group, or employees due to race, color, creed, religion, sex marital status, age, handicap, national origin, or ancestry, in any action or activity, pursuant to this Lease
29. **Miscellaneous.**
- a. CITY will support YMCA in efforts to maintain continued access to Morgan Hill School District facilities currently being used by City.
  - b. During the term of this Lease, YMCA will work to develop fees that are affordable to the community, including those from very low and lower incomes. For those unable to pay the full fee, financial assistance will be made available to the extent possible through the YMCA annual support campaign. The YMCA will provide CITY with copies of fee structures, announcements of events, and activity schedules
  - c. During the term of this Lease, and to insure active community involvement, at least 50% of the members on the Board of Managers shall be Morgan Hill residents.
30. **Interpretation.** This Lease shall be interpreted as though prepared by both parties.
31. **Preservation of Lease.** Should any provision of this Lease be found invalid or unenforceable, the decision shall affect only the provision interpreted, and all remaining provisions shall remain enforceable.

IN WITNESS THEREOF, these parties have executed this Lease on the day and year shown below:

ATTEST

CITY OF MORGAN HILL

\_\_\_\_\_  
Imma Torrez, City Clerk

\_\_\_\_\_  
Edward Tewes, City Manager

Date: \_\_\_\_\_

APPROVED:

YMCA OF SANTA CLARA VALLEY

By: \_\_\_\_\_

By: *Jack Dilles*

Jack Dilles, Risk Manager

Title: *Up & Operation*

Date: \_\_\_\_\_

Date: *6/21/2007*

APPROVED AS TO FORM:

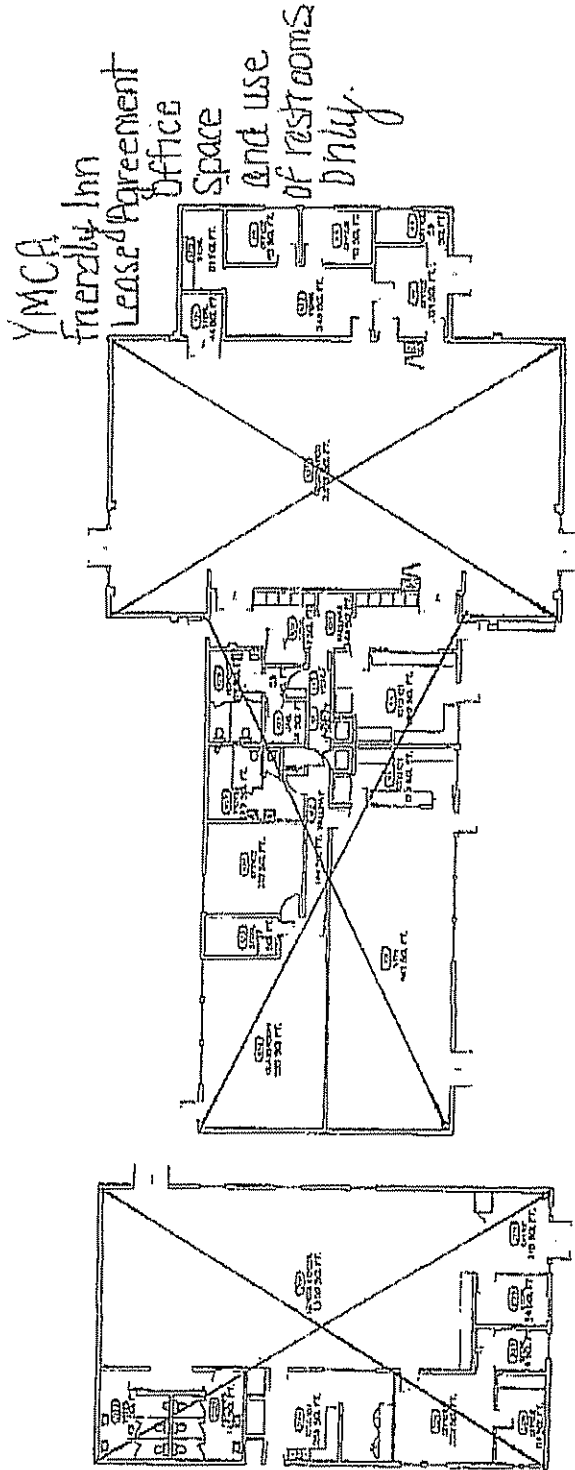
By: \_\_\_\_\_

Janet Kern, City Attorney

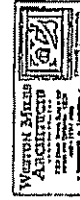
Date: \_\_\_\_\_

If tenant is a corporation a Corporate Resolution and/or Corporate Seal is required. If partnership, a Statement of Partnership must be submitted to City.

# EXHIBIT A



EXISTING YMCA & VFW



SCALE 1/8"=1'-0"

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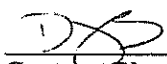
## CITY COUNCIL STAFF REPORT

**MEETING DATE:** June 27, 2007

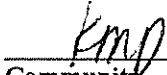
Agenda Item #

**19**

Prepared By:

  
Contract Planner

Approved By:

  
Community  
Development Director

Submitted By:

  
City Manager

**SUBJECT:** Coyote Valley Specific Plan Draft Environmental Impact Report

**RECOMMENDED ACTION:** Direct Mayor to Sign and Forward Attached Comment Letter and South County Agencies Letter to the City of San Jose

**EXECUTIVE SUMMARY:** The Draft Environmental Impact Report (DEIR) for the Coyote Valley Specific Plan was released for public review on March 30<sup>th</sup>. The review period is scheduled to close on June 29<sup>th</sup>. Staff has reviewed the DEIR and identified aspects in which the document does not adequately identify or address impacts that Coyote Valley development will have on Morgan Hill and South Santa Clara County, generally. Those aspects of the DEIR were reviewed by the City Council at the two workshops described below. The attached draft letter to the City of San Jose addresses the concerns raised by staff and supported by the Council at those workshops.

Major issues identified in the attached letter include the following:

- Inadequacy of the evaluation of traffic impacts, particularly those on Hwy. 101
- Inadequacy of mitigation measures, including the lack of specificity regarding their extent, timing and responsibility for funding and implementation
- Lack of a phasing plan that would link future mitigation with specific levels of development to ensure their timely installation

The City Council convened two workshops with other South County agencies to share concerns about the DEIR and discuss possible responses to it. A number of issues and concerns that are common to most of the agencies present at the June 20 meeting were identified. The City of Gilroy, the Morgan Hill Unified School District, Morgan Hill Chamber of Commerce and the City of Morgan Hill agreed to be signatories to a letter to be sent to San Jose that addresses those common concerns. That letter is in development and will be presented to the City Council at the June 27 meeting. It is intended that the joint letter supplement and provide added support to the issues identified in the letters to San Jose that each agency will independently submit.

**FISCAL IMPACT:** No budget adjustment required.

Attachments: Draft Response Letter to San Jose

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**STEVE TATE**  
Mayor

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June 28, 2007

Mr. Darryl Boyd, Principal Planner  
Department of Planning, Building & Code Enforcement  
City of San Jose  
200 East Santa Clara St.  
San Jose, CA 95113-1905

Dear Mr. Boyd:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Coyote Valley Specific Plan. Also, on behalf of the City Council, would like to thank you and your staff for your presentation earlier this month to the group of South County agencies that will be affected by development of this important area. The presentation was very informative and helpful to us in understanding the proposed development of the area and impacts that it will have on our City.

Following are the City's comments regarding the Draft EIR.

**Uses of the EIR**

Section 1.5.1 indicates the EIR is intended to be used for the adoption of the CVSP and its initial implementation through the pre/rezoning and annexation processes. Morgan Hill agrees that use of the document for the land use approvals specifically listed in this Section could be appropriate, if other deficiencies identified in this letter are resolved. Section 1.5.2 lists other possible land use approvals that may rely on the EIR. However, the Note included in Table 2.0-2 indicates "The round numbers in the EIR reflect the program level of the EIR." Morgan Hill agrees that, with the exception of the initial implementation of the CVSP and the one other exception identified below, the EIR should be used as a program level EIR and it should be amended to so state. For reasons stated throughout this letter, Morgan Hill does not believe the DEIR contains sufficient information to be used for the other possible land use approvals. The exception is modification of the existing development agreements that provide for development of property in Coyote Valley. Amendment to these agreements is necessary for implementation of the CVSP. The DEIR must be amended to specifically address the impacts related to amendment of these documents.



### **Project Description**

Table 2.0-2 of the DEIR indicates the project will include 55,000 jobs and 26,400 housing units. The Introduction to the Traffic Impact Analysis refers to 50,000 jobs and 25,000 housing units and the analysis, itself, refers to 57,060 jobs and 25,500 housing units. The DEIR needs to be amended to clearly state the maximum development levels anticipated and used in its analyses.

### **Consistency with Adopted Plans**

Section 3.7 of the DEIR identifies Morgan Hill General Plan policies that are relevant to adoption of the CVSP. The policies included are those contained in the August 2005 General Plan document. A significant number of additional policies were added to the General Plan in April, 2006 that relate to Coyote Valley development and the Greenbelt between Morgan Hill and San Jose. These policies should be evaluated in the DEIR.

### **Transportation and Traffic**

Section 4.2.2 addresses the near-term operation of the transportation system by adding the project traffic to the existing volumes and recalculating the density to determine if a significant impact occurs. However, the addition of approximately 780 to 850 CVSP vehicle trips in the northbound direction of Hwy 101 through Morgan Hill during the AM peak hour requires more detailed analysis to evaluate potential impacts. At a minimum, the state-of-the-practice calls for the use of methods described in the Highway Capacity Manual to evaluate freeway mainline and ramp operations, or use of simulation to show the impact of adding volumes exceeding 10 to 12 percent of the freeway capacity. This analysis would very likely show additional freeway impacts in Morgan Hill and other jurisdictions and the need for additional mitigation. The DEIR needs to be revised to include this additional analysis.

Section 4.2.2.11 of the DEIR discusses “traffic spillover” onto streets in the Greenbelt area during project build-out. It does not address spillover traffic onto Morgan Hill streets during build-out. The DEIR identifies traffic congestion on Hwy. 101, northbound in the a.m. peak period as a Significant Unavoidable Impact. This impact will cause spillover traffic onto Morgan Hill city streets. This impact needs to be addressed in the DEIR.

Section 4.2.2.11 also indicates that traffic improvements will be phased “commensurate with what is required for the proposed development phases.” The DEIR indicates that because of this phasing of improvements, traffic impacts in the Greenbelt would be “temporary”. Without knowing how and when traffic improvements will be phased, it is not possible to determine the level and duration of traffic impacts. Given that the “project” is tantamount to a new city, this “temporal impact” could be years or decades, which certainly cannot be termed a temporary impact. If significant impacts last for extended periods of time, the impact must be considered significant and mitigation

provided. The DEIR must be amended to indicate the timing of improvements in relation to the impacts that will be created.

As identified above, Section 4.2.2.11 addresses the phasing of improvement in the Greenbelt area. It is unclear if the same type of phasing is proposed for areas outside of the Greenbelt. If so, the DEIR should be amended to indicate such. Also, as mentioned above, the phasing of improvements must be analyzed relative to the level and duration of impacts that will occur prior to improvement implementation.

In Section 4.2.3, the DEIR includes analysis of a partial buildout of CVSP with 20,000 jobs and 10,000 dwelling units. This analysis does not address any non-automobile modes, so it is not clear if the proposed Caltrain station or the internal transit circulator is part of the Partial CVSP project. This needs to be clarified in the DEIR to determine if the trip generation for this scenario is appropriate.

Transportation Mitigation Measure 12 identifies improvements that would be necessary to improve the Level of Service at the intersection of Old Monterey Rd. with Monterey Rd. to an acceptable level. However, the mitigation does not indicate who will be financially responsible for the improvement, or when funding will be provided and improvement made.

Transportation Mitigation Measure 15 identifies the need for traffic signals at 15 unsignalized intersections, including four in Morgan Hill, due to Plan implementation. The Impact indicates the project would contribute its fair share towards installation of those signals. However, the impact (and associated mitigation measure) does not indicate how the fair share contribution would be determined, who would be responsible for making that contribution or when it would be made. The DEIR needs to be amended to provide this additional information. Relating to this need, Section 4.2.2.4 of the DEIR identifies the Dunne Ave. / Murphy Ave. as needing signalization. This intersection is currently signalized.

Transportation Impact 17 identifies significant Level of Service impacts that would occur to portions of Hwy. 101, including a segment from Tennant Ave. to Dunne Ave. during the a.m. peak period. Section 4.2.5.4 of the DEIR indicates that widening of the highway would be required to mitigate this impact. The section further states, in reference to all segments of Hwy. 101 that would be impacted, that widening would be infeasible because it would require the relocation of "hundreds of residences and businesses." It is not possible for the City to evaluate the "infeasibility" of the mitigation for the significantly impacted segment in Morgan Hill, including the need for relocation, without knowing the specific widening that would be required. The DEIR should be amended to provide this information.

In order to mitigate the impacts to Hwy. 101, Mitigation Measure 17 proposes transit improvements. However, the transit improvements proposed are not under the jurisdiction of the City and no indication is given regarding how the improvements would be implemented.

Section 4.2.5.4 further indicates that the significance of the impacts to Hwy. 101 and “the associated costs make this mitigation infeasible for one project to implement”. If this “project” was a single use on a single parcel, Morgan Hill would agree. However, this “project” constitutes development of a new “city” the size of Mountain View. It is not unreasonable for a project of this size to contribute to freeway improvements. Alternative mitigation involving partial widening of Hwy. 101 and/or ramp metering should be evaluated and, if feasible, incorporated into the project, even if it would not improve the impact to a less than significant level.

Section 4.2.2.7 of the DEIR indicates that approximately 3,250 trips would be made daily using transit and originating outside of Coyote Valley and ending in the Valley. Page vii of Appendix C, the Transportation Impact Analysis, indicates that “contra flow (CalTrain) service will be operational by the time the full CVSP development is completed.” It is unclear if this transit ridership was factored into the traffic analysis and, if so, at what year during the build-out process. The DEIR should be amended to provide this information and ensure that these transit trips were not counted before the contra flow service will be available.

The City of San Jose General Plan analysis was conducted to determine how such a substantial change to the General Plan (i.e., the addition of the project) would affect the City’s overall transportation network. In Section 6.2.4, the DEIR describes the North San Jose Redevelopment Policies project as a recently approved project that ultimately will add approximately 26 million square feet of commercial development and 32,000 dwelling units at buildout. However, the text does not indicate the level of development included in technical analysis and should be provided for clarity.

The information in Section 6.0 (Cumulative Impacts) only refers to impact thresholds used by the City of San Jose for their General Plan analysis and provides limited information to the public or decision-makers in other jurisdictions as to the magnitude of impacts outside the City. Changes in cordon line and screenline volumes are presented but specific changes (i.e., mitigation) to facilities are not identified. The DEIR should include some level of mitigation for cumulative impacts.

The DEIR does not include any reference to the Year 2030 analysis in Section 4.2 (Transportation and Traffic) or in Section 6.3.2 (Cumulative Transportation and Traffic Impacts). This analysis was included as Appendix G to the TIA (which is Appendix C to the DEIR) and is only referred to in the conclusions section of the TIA. This analysis is critical to determining the long-term cumulative traffic needs in Morgan Hill with additional growth in south Santa Clara County, and should be fully incorporated into the DEIR. The 2030 analysis only addressed freeway and roadway segment volumes and did

not analyze intersection operations. While using this approach is helpful from an overall planning perspective, it does not allow Morgan Hill and other adjacent jurisdictions, or San Jose for that matter, to determine specific improvements at each of their intersections that will be needed to accommodate project-generated and cumulative traffic volumes. The DEIR should be revised to include roadway segment mitigation at a minimum and long-term intersection analysis at critical locations south of the project site in Morgan Hill along Monterey Road, Cochrane Road, and Hale Avenue/Santa Teresa Boulevard.

Roadway segments listed as operating at LOS E or F in the Year 2030 analysis (Appendix G to the TIA) are also shown as congested link sets in the Long-Term Cumulative Impact Summary (Table 6.0-4 in the DEIR). However, the volume change in Table 6.0-4 for Link Sets 16 and 17 (N of Cochrane- NB and SB) is either negative or zero, and no impacts are identified. This result does not make sense since a substantial amount of CVSP traffic is expected to use US 101, Monterey Road, and Santa Teresa Boulevard south of the project site. In addition, Table G-10 (in Appendix G to Appendix C of the DEIR) presents the 2030 analysis and includes *increased* traffic on all three of these roadways with the proposed project. This inconsistency should be investigated and explained.

The 2030 roadway segment analysis in Table G-10 (in Appendix G to Appendix C of the DEIR) incorrectly identifies Monterey Road between Cochrane Road and Old Monterey Road as having two lanes in the southbound direction with a capacity of 2,400 vehicles per hour (vph). This segment narrows from two to one along this segment and should be listed with a capacity of 1,200 vph. This change would cause the segment to operate LOS F during one or both peak hours under constrained and unconstrained conditions, resulting in an additional impact and requiring mitigation. The DEIR analysis should be revised to include this correction.

Summary of Transportation and Traffic Comments: Based on the recent legal decision regarding the North San Jose project, we believe that the DEIR evaluation of transportation impacts and mitigation measures is inadequate. The major inadequacies include the following:

- It fails to identify the impact of exacerbating excessive congestion in the Hwy 101 corridor and the resulting diversion t Monterey Rd. and Santa Teresa Blvd (among other local facilities), and
- It does not provide adequate mitigation for traffic impacts outside the CVSP area and San Jose. Specifically, no physical improvements for significant freeway and roadway segment impacts are identified in the Transportation Impact Analysis or DEIR under near-term or cumulative conditions.

The documentation defers to future improvements identified in the on-going South County Circulation Study and no commitment of funding is provided for any regional improvement. In addition, no phasing plan is provided that would link future mitigation with specific levels of development to ensure timely installation of transportation improvements.

San Jose has set a precedent with other major studies by establishing comprehensive roadway improvement programs and funding mechanisms for improvements in San Jose and in other jurisdictions. The DEIR does not clearly state which external improvements will be funded, and the technical assumptions rely on transit and project design to help alleviate future congestion on regional facilities. If excessive congestion occurs on Hwy 101 similar to that of the late 1990's and early 200's, diversion to Monterey Rd. and Santa Teresa Blvd. will occur at a higher level than identified in the transportation analysis and other mitigation will be required. While it is correct that substantial additional growth planned in Morgan Hill and Gilroy will contribute to congestion in the Hwy 101 corridor, processing of the CVSP as a specific project at this time requires that the DEIR address all cumulative impacts and identify mitigation measures and funding to minimize those impacts. At a minimum, the CVSP project could fund ramp metering through the corridor, auxiliary lanes between interchanges and other improvements to reduce future congestion in the Hwy 101 corridor.

The DEIR needs to be modified to address these issues.

#### **Noise and Vibration**

Section 4.3.3.1 identifies the threshold of significance for noise impacts to be an increase of 3 dBA DNL or an increase that causes ambient noise levels to exceed guidelines adopted in the General Plan (60 dBA DNL). Section 4.3.3.4 of the DEIR evaluates the significance of long-term noise impacts outside of the development area. This Section defines significant noise impacts to include roadways where current noise levels exceed the General Plan standard of 60 dBA and where project related noise would increase the ambient level by 3 dBA. The standard of significance in Section 4.3.3.4 is inconsistent with the standard identified in Section 4.3.3.1 and the San Jose and Morgan Hill General Plans. All traffic noise impacts that would increase ambient noise levels by more than 3 dBA OR exceed the City's standard of 60 dBA DNL (even if by a single dBA) needs to be evaluated and mitigated.

Further, Noise Mitigation Measure 8-1 indicates that mitigation for roadway noise impacts outside of the CVSP area may not be feasible in all locations and that the determination of feasibility will be based on a "detailed study of the affected roadway segments to be completed prior to the project-level design review process." Roadway noise levels will increase gradually during the build-out process for Coyote Valley. The mitigation measure does not indicate at what time or upon the review of which project the detailed study would occur. Nor does the mitigation identify responsibility for mitigation where it is found to be feasible. The DEIR must be modified to provide specific information regarding the timing of mitigation and responsibility for its funding.

### **Air Quality**

Section 4.4.3.1 of the Air Quality section of the DEIR indicates that an air quality impact is considered significant if it would “expose sensitive receptors ... to substantial levels of toxic air contaminants (TACs)”. Section 4.4.2 indicates that Hwy. 101 produces significant amounts TACs due to the amount of traffic it carries and that residences are considered sensitive receptors. As a result, the Section indicates that sensitive receptors should not be located within 500 feet of the Hwy. Section 4.4.3.4 indicates that “the project would not result in the long-term exposure of the general public to substantial levels of mobile TACs because the project does not propose any development within 500 feet of Hwy 101. The DEIR needs to be amended to evaluate the impact of TACs on existing residences that are located within 500 feet of Hwy. 101 in Morgan Hill.

### **Water Supply**

The description of the project and the Water Supply section should be revised to include a description of the proposed project’s water supply. The DEIR is unclear on which water supply elements are included in the project and which ones are not. An adequate and accurate environmental analysis is not possible without a clear and complete description of the project. The water supply description should include a discussion of water demands and all the different water sources that may be used to meet or reduce those demands, including groundwater from the Coyote Sub basin, recycled water, aggressive conservation, groundwater from the Santa Clara Sub basin, and treated surface water. In addition, the description should include planned measures to avoid and/or minimize adverse impacts, including additional groundwater recharge to avoid groundwater overdraft and advanced recycled water treatment to protect groundwater quality. The impacts associated with the mitigation measures should also be evaluated. Lastly, water supply facilities should be treated as other new facilities necessitated by the project and be included in the financing plan for the project.

Section 4.16.2.3 of the DEIR identifies recycled water from SCRWA as a source of up to 4,100 afy of the recycled water proposed for meeting increased water demands in Coyote Valley. The South County Recycled Water Master Plan, a joint effort by SCRWA and the District, does not include exporting water to the Coyote Sub basin, and the Master Plan would need to be amended before any further consideration by SCRWA. The CVSP DEIR needs to evaluate the potential impacts of delivering and using recycled water from SCRWA in the Coyote Sub basin. At a minimum, the DEIR should evaluate impacts on groundwater supply and quality in the Llagas Groundwater Sub basin, impacts to the Bolsa Groundwater Sub basin, and impacts on recycled water quality associated with disposing of advanced treatment brine in the San Jose/Santa Clara sewer system. Mitigation measures for impacts associated with the use of recycled water from SCRWA should be described in the DEIR. Lastly, please correct the name of the South County agency referred to in the DEIR as the “South County Water Recycled Agency” to its proper name, the “South County Regional Wastewater Authority.”

### **Energy and Mineral Resources**

The wording of Impact EMR – 2 as contained on page 397 of the DEIR is inconsistent with the wording of that Impact in the Summary section of the DEIR. Morgan Hill believes the wording contained in the Energy and Mineral Resources section of the DEIR accurately describes the projected impact and that the document should be amended to correct this inconsistency.

### **Project Alternatives**

The No Project Alternative, Section 5.2, defines this alternative to allow development of the North Coyote Campus Industrial Area with up to 50,000 jobs. While this treatment is appropriate for one “no project” scenario, that Alternative must also be evaluated from the perspective of the development and jobs existing at the time the Notice of Preparation was issued, without any assumption of further development, as required by Section 15126.6(e)(2) of the CEQA Guidelines.

Section 5.2 addresses the No Project Alternative. This Alternative would allow 50,000 jobs to be created in the North Coyote Campus Industrial Area and no additional housing units. Section 5.2.1.2 indicates that this alternative “would result in fewer significant unavoidable traffic impacts than the proposed CVSP project, because the No Project Alternative does not include 25,000 housing units.” Section 4.12.3.2, Energy Impacts of the Proposed CVSP, indicates that “From a regional land use perspective, providing additional housing in San Jose may also lead to some reduction in transportation-related energy consumption. This conclusion is based on the fact that the region has a surplus of jobs in relation to housing, which has been a contributing factor in the decision of many people who are employed in the greater Santa Clara County area to purchase homes in more distant locales.” These two statements appear to be contradictory. The DEIR needs to clarify this apparent inconsistency. In addition, Section 5.2.1.2 indicates that the No Project Alternative “would not encourage traffic trips in the reverse commute (non-peak) direction.” If this is correct, it appears that traffic congestion in South County would be worse than under Project conditions. This potential should be further evaluated and discussed in the DEIR.

Section 5.4.1.12 describes the feasibility of Reduced Scale Alternative II. This Section indicates that this Alternative may not be financially feasible due to the cost of extending infrastructure to the Urban Reserve solely for residential development. At several of the CVSP Task Force meetings, the City’s economic consultant indicated that residential development, not commercial and industrial development, would pay for the infrastructure needed to develop the Urban Reserve. That statement appears inconsistent with the assertion in this Section of the DEIR and should be corrected.

All of the proposed Project Alternatives would provide more jobs in Coyote Valley than housing opportunities for Valley employees. San Jose currently has more employed residents than jobs and the intent of the CVSP is to correct this imbalance. However, as

indicated in Section 4.12.3.2 (referenced above), the region has a surplus of jobs in relation to housing, which has contributed the decision of many people who are employed in the greater Santa Clara County area to purchase homes in more distant locales. As a result, all of the Project Alternatives will exacerbate existing traffic problems. As such, the DEIR should be amended to include at least one Project Alternative that provides a balance between jobs and employed residents or more employed residents than jobs.

The significant impacts associated with each of the Project Alternatives have been compared qualitatively against the impacts of the CVSP. In order to better understand the relative benefits of the Alternatives, the associated impacts of each Alternative needs to be expressed in quantitative terms.

### **Growth-Inducing Impacts**

Section 7.2 of the DEIR indicates that the project “would not allow enough new housing to fully serve all of the new jobs that would be allowed in the Coyote Valley. This Section further suggests that the additional housing could be accommodated in Morgan Hill and other locations and that Morgan Hill General Plan anticipates additional residential growth. The additional housing envisioned in the Morgan Hill General Plan is intended to accommodate employees of future jobs in Morgan Hill, not San Jose. The growth inducing impacts of this additional housing demand in Morgan Hill needs to be assessed and appropriate mitigation measures adopted.

### **General Comments**

Adoption as a Specific Plan: Page 10 of the Coyote Valley Specific Plan – Initial Draft indicates the intent to adopt the Plan as a Specific Plan as defined in the Government Code Section 65451(a)(4). One of the requirements of that type of plan is that it includes “A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out (the project).” Section 2.1.6 of the DEIR indicates that “The financing, phasing and implementation strategies for the CVSP are under preparation.” Lacking those strategies, the CVSP cannot be adopted as Specific Plan as defined by State law.

Adequacy of Mitigation Measures: The DEIR identifies many significant impacts that will result from build-out of the CVSP. However, the document does not identify when impacts will occur, how the mitigation measures for those impacts will be funded or when they will be implemented. Lacking this information, it is not possible to determine the magnitude or duration of project impacts that will occur. In addition, the lack of specificity in the mitigation measures brings into question the responsibility and/or feasibility of their implementation. Throughout the DEIR, mitigation measures need to be amended to indicate when impacts are anticipated to reach a significant level, when mitigation is proposed to occur and who is responsible for funding and implementing the mitigation. With this level of additional information, the DEIR should be re-circulated for public review and comment.



Preferred Alternative Plan: The Coyote Valley Specific Plan is a massive project that will ultimately be the size of Mountain View. Build-out of the Plan is anticipated to take between 30 and 50 years. Most general plans use a time horizon of 20 years in recognition of the increased difficulty of predicting social, economic or technological changes further into the future.

The Draft EIR includes two Project Alternatives that propose a level of development that could occur within a 20 to 25 year time period. One of these, Alternative I, proposes 20,000 jobs and 10,000 housing units in the portion of Coyote Valley that is currently within the city limits and urban service area and is planned for office/industrial development. The DEIR indicates that this is the environmentally superior alternative. One version of this Alternative calls for the creation of a mixed use planned community similar to the CVSP, but on a smaller scale. Should the City decide to prepare the implementation program discussed above and adopt the CVSP as a Specific Plan, limiting the size and scope as identified in Alternative I appears to have significant benefit to San Jose and South County. The shorter time horizon will make the potential impacts be easier to predict and mitigate and will allow for creation of a financing plan that will be more grounded in realistic projections, and thus supportable by banks and investors. In addition, the reduced scale of the project would significantly reduce the number and magnitude of impacts on South County.

If you have any questions regarding our comments, please contact Kathy Molloy Previsich, our Community Development Director or David Bischoff, our project planner at 779-7247. Thank you for your serious consideration of our comments.

Sincerely,

Steve Tate, Mayor

C: City Council  
City Manager  
Director of Community Development



## CITY COUNCIL STAFF REPORT

MEETING DATE: June 27, 2007

Agenda Item # **20**

Prepared By:

A handwritten signature in black ink, likely belonging to the Municipal Services Assistant.

Municipal Services  
Assistant

Approved By:

A handwritten signature in black ink, likely belonging to the City Clerk.

City Clerk

Submitted By:

A handwritten signature in black ink, likely belonging to the City Manager.

City Manager

### ADOPT ORDINANCE NO. 1839, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ARTICLE II, THE STANDARDS AND CRITERIA AND PROCEDURES OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM AS SET FORTH IN CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE

### RECOMMENDED ACTION(S):

Waive the Reading, and Adopt Ordinance No. 1839, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived.

### EXECUTIVE SUMMARY:

On June 6, 2007, the City Council Introduced Ordinance No. 1839, New Series, by the Following Roll Call Vote: AYES: Carr, Grzan, Lee, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

### FISCAL IMPACT:

None. Filing fees were paid to the City to cover the cost of processing this application.

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**ORDINANCE NO. 1839, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF MORGAN HILL AMENDING ARTICLE II, THE  
STANDARDS AND CRITERIA AND PROCEDURES OF  
THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM  
AS SET FORTH IN CHAPTER 18.78 OF THE MORGAN  
HILL MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY  
ORDAIN:**

**SECTION 1.** The Residential Development Control System (RCDS) is codified as Chapter 18.78 of the Municipal Code. Section 18.78.188(C) of the RDCS Ordinance requires the Planning Commission to review the evaluation standards and criteria following each competition, and to decide whether any changes or amendments are necessary for the next competition. In accordance with the RDCS as recommended by the Planning Commission, the City Council hereby updates and amends the provisions of Article II of Chapter 18.78, and accordingly adopts the Code amendments set forth in the attached Exhibit "A."

Changes from the text of the Morgan Hill Municipal Code amending Articles II are shown by strike-out text for deletions, and bold italic text for additions.

**SECTION 2.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 3.** Effective Date; Publication. This Ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Morgan Hill held on the 6<sup>th</sup> day of June 2007, and was finally adopted at a regular meeting of said Council on the    day of June 2007, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES:            COUNCIL MEMBERS:**  
**NOES:           COUNCIL MEMBERS:**  
**ABSTAIN:       COUNCIL MEMBERS:**  
**ABSENT:        COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

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**Irma Torrez, City Clerk**

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**Steve Tate, Mayor**

§ CERTIFICATE OF THE CITY CLERK §

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1839, New Series, adopted by the City Council of the City of Morgan Hill, California at a regular meeting held on the day of June 2007.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: \_\_\_\_\_

\_\_\_\_\_  
IRMA TORREZ, City Clerk

## Exhibit A

### Article II. Specific Policies

#### 18.78.180.A Summary of Standards and Criteria.

##### Part 2 Specific Standards and Criteria

18.78.210	<b>Schools</b>		<b>Maximum Awarded:</b>	<b>25</b>
			<u>Points</u>	<u>Available</u>
	1. Developer fees		16	
	2. Safe walking routes		6	
	3. Off-site pedestrian safety improvements		4	
	4. Community Room for after school programs		<u>2</u>	
			28	
18.78.220	<b>Open Space</b>		<b>Maximum Awarded:</b>	<b>20</b>
			<u>Points</u>	<u>Available</u>
	1.a Open space buffer		2	
	1.b Common useable open space		<del>3</del> 1	
	1.c Convenient access to parks		1	
	1.d Accessibility to parks/open space		1	
	1.e Historical landmarks		2	
	2. Ratio of buildings to open space		<del>11</del> 9	
	3. Downtown open space amenity fee		6	
	4. TDC's		<u>6</u>	
			<del>32</del> 28	
18.78.230	<b>Orderly and Contiguous</b>		<b>Maximum Awarded:</b>	<b>20</b>
			<u>Points</u>	<u>Available</u>
	1. Near central core		8	
	2. Fills in existing utilities		<del>6</del> 5	
	3. Adjacent to existing development		5	
	4. Subsequent phase of development		2	
	5. Quality of project master plan		<u>1</u>	
			<del>22</del> 21	

18.78.240	<b>Public Facilities</b>	<b>Maximum Awarded:</b>	<b>10</b>
		<u>Points</u>	
		<u>Available</u>	
	1. Micro or small vertical mixed use	3	
	2.a Grids water mains to existing system	2	
	2.b Design consistent with City storm drain system	1	
	2.c Location of storm drain lines	2	
	2.d Design of on-site detention/retention pond	2	
	2.e <del>Contribution to local drainage fund</del>		
	<i>Provides a pre-approved water well site</i>	1	
	2.f Provides public improvements	4	
	2.g Contribution to <del>public facilities</del> <i>RDCS Capital Improvements</i> fund	<u>1</u>	
		16	
18.78.250	<b>Parks and Paths</b>	<b>Maximum Awarded:</b>	<b>10</b>
		<u>Points</u>	
		<u>Available</u>	
	1. In lieu fee – smaller projects	4	
	2. Amenities	4	
	3. Bike paths/equestrian trails	1	
	4. Downtown area	<u>3</u> <i>1</i>	
	5. Neighborhood park	2	
	6. Additional park fees: double	3	
	7. Additional park fees: triple	6	
	8. Exceed dedicated land requirement	<u>4</u>	
		<u>27</u> 25	
18.78.260	<b>Housing Needs</b>	<b>Maximum Awarded:</b>	<b>15</b>
		<u>Points</u>	
		<u>Available</u>	
	2. 10% <i>Market rate</i> moderate rate units	2	
	3. Housing mitigation fee	6	
	4.a Affordable units for sale	13	
	4.b Downtown Area Project	10	
	5. Minimum 10% BMR in joint venture with non-profit agency	13	
	6. Double standard housing mitigation fee	<u>6</u>	
		50	

18.78.270	<b>Housing Types</b>	<b>Maximum Awarded:</b>	<b>15</b>
		<u>Points</u>	
		<u>Available</u>	
	1. Diversity of types and categories	7	
	2. Economic diversity	4	
	3. Variation of sizes	4 3	
	<i>4. Visitability accessible units</i>	<u>1</u>	
		<u>15</u>	
18.78.280	<b>Quality of Construction</b>	<b>Maximum Awarded:</b>	<b>15</b>
		<u>Points</u>	
		<u>Available</u>	
	1. Exterior design	1	
	2a. Conservation of resources		
	a. <del>Energy Star windows</del>	<del>2</del>	
	b. <del>Two zone heating</del>	2	
	c. <del>Efficient A/C</del>	<del>1</del>	
	d. <del>Efficient gas furnace</del>	<del>1</del>	
	e. <i>b. Use of alternative energy for heating</i>	<del>2</del> 4	
	c. <i>Use of alternative energy for electricity</i>	2	
	d. <i>Conform to P.G.&amp;E. New Homes Program</i>	4	
	f. <del>Certified HVAC and ductwork</del>	<del>1</del>	
	2 b Water conservation	1	
	2.c <i>Grey water recycling system</i>	1	
	3.a Cast iron drain pipe	1	
	3.b Construction techniques exceed code	1	
	4. Architectural variation and differentiation		
	a. Porches and balconies	2	
	b. Roof lines	1	
	c. Profiles and massing	1	
	d. Relief and details	<u>2</u>	
		<del>19</del> 23	
18.78.290	<b>Lot Layout and Orientation</b>	<b>Maximum Awarded:</b>	<b>15</b>
		<u>Points</u>	
		<u>Available</u>	
	1. Good site design and layout		
	a. Avoids deep or narrow lots	1	
	b. Separation of buildings	1	
	c. Avoids sharp angled lots	1	
	d. Driveways <150 ft. long	1	
	e. Transition of lot sizes	1	
	f. Overall excellence of project and minimum number of changes	2	



2. Street design	
a. Location to parks and open space	1
b. Visibility of entrances	1
3. Variety of setbacks	
a. Between units – front	1
b. Between units – rear	1
c. Variation of lot widths	1
d. Garage placement	2
4. Measures to reduce noise	2
5. Downtown area – 3 <sup>rd</sup> story setback	1
6. Downtown area – variation of façade	1
7. Downtown area – shared parking	<u>1</u>
	19

18.78.300	<b>Circulation Efficiency</b>	<b>Maximum Awarded:</b>	<b>15</b>
		<u>Points</u>	
		<u>Available</u>	
	1a. Discourage fast traffic	1	
	1.b Future street extensions	2	
	1.c Future drive aisles/ parking lots	1	
	1.d Looping pattern of circulation	1	
	1.e eliminate existing stubs	2	
	1.f Avoids short blocks	1	
	1.g Minimum 20ft. clear view back-out distance	1	
	1.h Multiple access streets	1	
	1.i Landscaped islands and entry monument	1	
	1.j Facilitates emergency response	1	
	1.k Provides public parking in downtown area	2	
	2.a Internal circulation for local residents	1	
	2.b Avoids undesirable future traffic situations	1	
	3. Dedication or improvement to existing streets and parking lots outside of project	2	
	4. R3 Project: minimizes conflicting backout movements	1	
	5. R3 Project: Amenities not near parking or circulation aisles	1	
	6. Downtown area projects		
	a. Mid-block pedestrian connections	1	
	b. Entries oriented to public streets	1	
	c. Closes gaps in pedestrian and bike network	1	
	d. Provides bike racks	<u>1</u>	
		24	

18.78.310	Safety and Security	Maximum Awarded:	10	Points
				Available
	1.a Provide fire escape ladder and fire extinguishers			0.5
	1.b Provide first aid kit			0.5
	1.c Other non-code fire protection device			0.5
	1.d Provide outdoor lighting			0.5
	1.e Illuminated address numbers and curb numbers			1
	1.f Other intrusion protection device or approved construction technique			0.5
	2. Non-combustible siding materials			2
	3. Monitored alarm system			3
	4. Fire sprinkler system			3
	5. Neighborhood emergency preparedness Program through HOA			1
	6. Carbon monoxide detection device			1
	7. Neighborhood "Watch Program" in CC&R's			1
				14.5

18.78.320	Landscaping, Screening & Color	Maximum Awarded:	10	Points
				Available
	1.a 24" box-size trees within project			1
	1.b Shading & screening of group parking areas			1
	1.c Varied front yard landscaping			1
	1.d Energy saving trees on south walls			1
	<del>1.e 24" trees for streets</del>			<del>1</del>
	1.f Adheres to Street Tree Master Plan			1
	2.a Drought tolerant grasses			0.5
	2.b Automatic irrigation systems			0.5
	2.c Pleasing hardscape coverage			0.5 <i>1</i>
	2.d Use of water conserving plants			0.5 <i>1</i>
	2.e Separate water source for irrigation of common area			2
	2.f Small & Micro projects: Separate water supply for common area irrigation			1
	3. Visible landscaping to public			1
	4. Minimize drainage runoff			2
	5. Downtown Area: Use of building color			1
				15

18.78.330	<b>Natural and Environmental</b>	<b>Maximum Awarded:</b>	<b>10</b>
		<u>Points</u>	
		<u>Available</u>	
	1.a Minimize grading	1	
	1.b Restricts runoff	1	
	1.c Preserves trees	1	
	1.d Preserves natural setting	1	
	1.e <del>Improves natural conditions on adjacent sites</del>		
	<i>Grey water used for outdoor irrigation</i>	2	
	2.a Provides privacy for residents	1	
	2.b Protects existing open space	2	
	2.c Minimizes use of sound walls	2	
	3. Reduces construction waste	1	
	4.a <del>Solar</del> <i>Alternative</i> power generation <i>in 50% of homes</i>	1	
	4.b <i>All homes use alternative power for home electricity</i>	2	
	5. Incorporates Green Building Design concepts	<u>2</u>	
		<del>15</del> 17	

18.78.340	<b>Livable Communities</b>	<b>Maximum Awarded:</b>	<b>10</b>
		<u>Points</u>	
		<u>Available</u>	
	1. Planning Commission excellence	2	
	<del>2. Low maintenance walkways and bike paths</del>	<del>1</del>	
	3. Encourages use of public transportation	1	
	4. Nearness to public transportation	2	
	5. Sidewalk improvements	1	
	6. Walking distances to stores, schools, employment	1	
	7. Vertical mixed use project	2	
	8. Builds to planned densities	3	
	9. In-fill projects	<u>2</u> <u>1</u>	
		<del>15</del> 13	

(Ord. 1731, N.S. § 1, 2005)

## Part 2. Specific Standards and Criteria

### 18.78.210 Schools.

A. “The provision of school facilities and amenities as attested by agreement with the Morgan Hill Unified School District (MHUSD) to the extent such consideration is not in conflict with state law.

(25 points)”

B. Standard and Criteria:

1. **Sixteen points** will be awarded for the payment of the district-adopted developer fees as provided by the Leroy F. Greene School Facilities Act of 1998. Full market value credit will be applied to a direct payment to the School District, for donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities. (Ord. 1731, N.S. § 1, 2005)

2. Up to **six additional points** may be awarded to a project where:

At the time of application submittal or applicant commits as part of the first year of the first phase of the current application, a safe walking route exists or will be provided between the project site and existing or planned MHUSD schools. A safe route is defined as continuous sidewalks and/or paved pedestrian pathways, cross walks and caution signals at designated street intersections between the project and a school site.

The distance to a school is measured as the lineal distance a student would walk, from the average center point of housing in a project to the nearest entrance point of the nearest school grounds.

a. The project is within 3/4 of a mile of a school serving grades K through 3 and:

i. ~~The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works Department) as a collector or arterial.~~ **(half point)**

ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as a collector or arterial. **(half one point)**

b. The project is within 3/4 of a mile of a school serving grades 4 through 6 and:

i. ~~The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works Department) as an arterial.~~ **(half point)**

ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as an arterial. **(one point)**

- c. The project is within 1.5 miles of a middle/intermediate school and:
  - i. ~~The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works Department) as an arterial unless the most direct street crossing can occur at a signalized intersection. (half point)~~
  - ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as an arterial unless the most direct street crossing can occur at a signalized intersection. **(one point)**
- d. The project is within 1.5 miles of Live Oak or Sobrato high school. **(two points)**
- e. Proposed development will be for senior citizens as defined in Section 51.2 of the State Civil Code. *All senior housing units shall include the following features: One zero-step entrance on an accessible route; all main floor interior doors, including bathrooms, with 32 inches of clear passage space; and a main floor bathroom usable for a person in a wheelchair.* **(six points)**

**NOTE:** For scoring purposes, the anticipated attendance area for an existing or planned school shall be as determined by the Board of Education and published by the School District as of September 15 of the fiscal year for each competition. A planned school is defined as a site designated by the School Board for a future school prior to September 30 of the fiscal year the competition is held. Scoring for a multi-year/phased development includes recognition of all pedestrian safety or traffic improvements provided in the initial or previous phases of the development. (Ord. 1731, N.S. § 1, 2005)

- 3. Up to **four additional points** may be awarded to a project which:
  - a. Provides off-site pedestrian safety improvements or traffic safety improvements, *including adjacent related roadway improvements* near a MHUSD school. Any proposed pedestrian and traffic safety improvements cannot be redundant of improvements committed to in other categories. The cost of the improvements must be valued at \$ ~~1100~~ 825 per point per unit. The pedestrian improvements and traffic safety improvements must be made to an elementary school within 3/4 of a mile (straight line distance) of the edge of project site or the same improvements can be made to a middle or high school within the City's Urban Service Area (*USA*). **(up to ~~three~~ two points for safety improvements in proximity to a school and up to two points for safety improvements on roadways serving schools within the City's USA)**

**Note:** The public improvements offered under the above section must be separate from the public improvements offered under Section B.2.f of the Public Facilities Category, Section B.3 of the Circulation Efficiency Category or ~~B.5~~ **B.4** of the Livable Communities Category. (Ord. 1731, N.S. § 1, 2005)

For safe walking route improvements, applicants must also provide a letter from each intervening property owner stating agreement to dedicate the required street right-of-way for the sidewalk or pathway improvements between the project site and the designated school. Improvements to establish a safe walking route must be completed prior to completion of the 20<sup>th</sup> unit in the development or completion of the project, whichever occurs first. (Ord. 1731, N.S. § 1, 2005)

~~b. The project is located within a Community Facilities (Mello-Roos) District established by the Morgan Hill Unified School District to finance new school facilities. The proposed project phase(s) will only receive points in this category if their Mello-Roos payment exceeds by \$1100 or more per dwelling unit the Leroy F. Greene School Facilities Act (state-mandated) fees in effect on December 1st of the fiscal year of the competition. One point will be awarded for each \$1100 per dwelling unit the proposed project's average dwelling unit school fees costs exceeds the state-mandated per dwelling unit fees. (up to three points)~~

4. Provides an on-site community room that is specifically designed for and can be used for after school educational programs such as homework tutoring, music lessons, etc., and is available for use at no cost to the Morgan Hill Unified School District. *For education instruction purposes, the size of the community room shall be a minimum 256 square feet plus 32 square feet for each expected student above 8 students, based on a student generation rate for the development calculated at .75 students per dwelling unit. The maximum room size, serving 30 students is 960 square feet. (two points)* (Ord. 1731, N.S. § 1, 2005)

**Note:** Full market value credit will be applied to a direct payment to the School District, for donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities. (Ord. 1731, N.S. § 1, 2005); Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 1, 2002; Ord. 1517 N.S. § 1, 2001; Ord. 1486 N.S. §§ 1 & 2, 2000; Ord. 1404 N.S. § 1, 1998; Ord. 1346 N.S. § 1, 1997; Ord. 1304 N.S. §§ 1 & 2, 1996; Ord. 1228 N.S. § 2, 1995; Ord. 1179 N.S. §§ 5 & 6, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

**18.78.220 Open space.**

A. "The provisions of public and/or private usable open space, and where applicable, greenbelts.

**(20 points)"**

1. The provisions of open space is desirable for the physical and mental well-being of the city residents, as well as preserving a rural atmosphere and invoking a positive reaction to the environment. These open spaces can then be used for both passive and active recreation for all age groups, while also preserving the environment for present and future generations to enjoy.

B. Standards and Criteria.

1. Open space areas are provided or maintained within the proposed development.

a. Provides open space buffer areas adjacent to freeway or arterial streets, measuring five feet in depth in excess of the zoning code requirements for **one point**, 10 feet in excess of the code for **two points**. **(up to two points);**

b. Public or private common useable open space is encouraged where neighborhood homeowners associations or other acceptable private maintenance entity can be used to coordinate their use and maintenance (~~three~~ **one point**);

c. Provides convenient access to public or private parks internal to the project where appropriate through the use of bicycle and pedestrian pathways. Bicycle and pedestrian pathways shall be located in areas no less than 20 ft. wide, with an average width of 30 ft. (for the entire length of the path). The pathway provided shall be paved or other suitable durable surface and a minimum of 7 ft. in width. The proposed pathway(s) cannot be redundant of public sidewalks. **(one point)**

d. Provides accessibility to existing or proposed public parks and open space areas outside the project boundary and encourages multiple uses and fee dedication of open space areas adjacent to flood control right of ways and recharge facilities. Points will only be awarded where the relevant public agency has provided written approval to allow access between the project and the aforementioned facilities. The access provided cannot be redundant of the public sidewalk. **(one point).**

**Note:** Requires public agency ownership or agreement to accept dedication of the land by the public agency.

e. Historical sites and landmarks on or adjacent to the project site are maintained in as natural state as possible with limited supportive development such as parking facilities, fencing, signing, etc. **(up to two points)** ***Note: Placement of a historical plaque or marker only will be awarded one-half point)***

2. Provides a high ratio of total open space area. **(A maximum of ~~eleven~~ nine points will be assigned under subsection a. of this criterion)** (Ord. 1731, N.S. § 1, 2005)

a.	<u>Building Coverage (%)</u>	<u>Points</u>
	55 - < 60	1
	50 - < 55	2
	45 - < 50	3
	40 - < 45	4
	35 - < 40	5
	30 - < 35	6
	25 - < 30	7
	20 - < 25	8
	<del>15</del> - < 20	9
	<del>10</del> - < 15	<del>10</del>
	<del>0</del> - < 10	<del>11</del>

b. Building coverage for vertical mixed use projects, projects in the CC-R district or projects zoned R-4 or similar high density zoning classification will be calculated as follows: **(A maximum of nine points will be assigned under subsection b. of this criterion.)** (Ord. 1731, N.S. § 1, 2005)

	<u>Building Coverage (%)</u>	<u>Points</u>
	90 - < 95	3
	85 - < 90	4
	80 - < 85	5
	75 - < 80	6
	70 - < 75	7
	65 - < 70	8
	60 - < 65	9
	<del>55</del> - < 60	<del>8</del>
	< 55	9

Building coverage is defined as that portion of the overall project master plan, exclusive of *sidewalks*, driveways and streets, which is covered by a building, parking lot or carport. *In projects with open plazas on a podium above ground level parking, the open plaza space shall be excluded from the calculation for building coverage.*



3. Downtown vertical mixed use projects will be awarded up to six points for a commitment to contribute toward a shared open space amenity such as a park, *green space along the creek* or downtown plaza.

a. In addition to the points available under Subsection B.4 below, a vertical mixed use project will be awarded three points for payment of a downtown open space amenity fee. The amount of the fee shall be equal to the most recent adjusted open space fee (see Note 1 below). Eligible projects that elect to pay double the fee will be awarded **six points**. (Ord. 1731, N.S. § 1, 2005)

4. There is a maximum of **six points** available in this category.

a. The project will receive **three points** for a commitment to purchase transferable development credits (TDCs) from property owners with land of greater than twenty percent slope. (Based upon the ~~cumulative project-to-date~~ ratio of one TDC for every twenty-five dwelling units proposed.)

b. Projects of ~~24~~ **50** units or less which do not provide a common area park or open space will receive **six points** for a commitment to purchase double TDC's.

c. Projects zoned R-2, R-3, or similar higher density classification will receive **six points** for a commitment to purchase double TDC's.

**Note 1:** In lieu of the TDC commitment, projects of ~~24~~ **50** units or less, Downtown Area projects and affordable project developments will be awarded **three points** for payment of an open space fee at the rate of \$36,880 per TDC *per twenty units*, or projects that elect to pay double the open space fee will be awarded **six points**. The amount of the open space fee shall be based on the average cost per dwelling unit for an equivalent TDC commitment as specified above. The open space fee shall be adjusted annually in accordance with the annual percentage increase or decrease in the median price of a single-family detached home in Santa Clara County. The base year from which the annual percentage change is determined shall be January 1, 2005. The base year may be adjusted by City Council Resolution prior to the filing deadline for each competition year. (Ord. 1731, N.S. § 1, 2005)

**Note 2:** Projects containing both single and multi-family zoning will be granted a proportional share of points for commitments to a. & c. above. Points will be granted based on a percentage of units within the various zoning districts within the entire overall project. For example, a project of 50 percent R-2 and 50 percent R-1 would receive 50 percent of the 6 points available under 4c. and 50 percent of the 3 points available for the single-family TDC commitment under 4a. for a total of 4.5 points (rounding will occur to the nearest half point). (Ord. 1731, N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 2 & 3, 2002; Ord. 1517 N.S. §§ 2 & 3, 2001; Ord. 1486 N.S. §§ 3 & 4, 2000; Ord. 1438 N.S. § 1, 1999; Ord. 1404 N.S. § 2, 1998; Ord. 1346 N.S. § 2, 1997; Ord. 1228 N.S. § 3, 1995; Ord. 1179 N.S. § 7, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

**18.78.230 Orderly and contiguous development.**

A. "The extent to which the proposed development accomplishes the orderly and continuous extension of existing development rather than "leapfrog" development, by using land contiguous to urban development within the city limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors.

**(20 points)"**

For scoring purposes, "the central core" is the area illustrated on the Central Core Map, attached as Exhibit B and described generally as that area bounded on the west by Del Monte Avenue from Wright Avenue to Ciolino Avenue and by West Little Llagas Creek from Ciolino Avenue to Cosmo Avenue; on the east by the rail road tracks from the easterly prolongation of Wright Avenue to Main Avenue, by Butterfield Boulevard from Main Avenue to Dunne Avenue, and by Church Street from Dunne Avenue to the easterly prolongation of Cosmo Avenue; on the north by Wright Avenue and its easterly prolongation to Church Street.

1. A well-planned community is one which provides for the needs of its residents. Convenience, economy, and service are aspects which an orderly and contiguous development pattern can help facilitate.

B. Standards and Criteria.

1. Develops lands near the central core of the city as defined by Exhibit "B" to Measure "C" approved by the voters on March 2, 2004. There is a benefit for development to be within the central core area. However, it is recognized that the city does not have a well defined central core. Therefore, greater emphasis is to be given to contiguous patterns of growth. Projects within the core area will receive eight points. Projects located outside the core area will receive from **zero to seven points** depending on their relationship to the core area as shown below:

- a. Within central core, **8 points**,
- b. Within six hundred feet of the central core area, **7.5 points**;
- c. Within one thousand two hundred feet of the central core area, **7 points**;
- d. Within one thousand eight hundred feet of the central core area, **6.5 points**;
- e. Within two thousand four hundred feet of the central core area, **6 points**;
- f. Within three thousand feet of the central core area, **5.5 points**;
- g. Within three thousand six hundred feet of the central core area, **5 points**;
- h. Within four thousand two hundred feet of the central core area, **4.5 points**;
- i. Within four thousand eight hundred feet of the central core area, **4 points**;
- j. Within five thousand four hundred feet of the central core area, **3.5 points**;

- k. Within six thousand feet of the central core area, **3 points**;
- l. Within six thousand six hundred feet of the central core area, **2.5 points**;
- m. Within seven thousand two hundred feet of the central core area, **2 points**;
- n. Within seven thousand eight hundred feet of the central core area, **1.5 points**;
- o. Within eight thousand four hundred feet of the central core area, **1 point**;
- p. Within nine thousand feet of the central core area, **½ point**;
- q. More than nine thousand feet from central core area, **zero points**.

**Note:** If any portion of a project is within the central core, as defined by the PO, that project shall be considered within the central core area. The distance from the central core shall be measured using the minimum distance between any portion of a parcel and the central core boundary measured in a straight line.

2. Fills in existing utility lines (requires no off-site extensions) and provides a contiguous pattern of growth. If water is available at the site and the water main is of sufficient capacity and supply to serve the proposed project and future development, the project will receive **one point**. If sewer is available to the site and the sewer main has sufficient capacity to serve the proposed project and future development, the project will receive ~~two~~ **one point**. If storm drains are of sufficient capacity to serve the project and are available to the site, the project will receive **one point**. If the project is located within the established response time standard of one fire station, the project will receive **one point**. If the project is located within the established response time standard of two or more fire stations, the project will receive **one additional point**.

3. A proposed development located within the existing urban service area which provides for orderly growth and urban in-fill is preferable and helps prevent premature urbanization of agricultural land. Projects that provide for orderly growth patterns throughout residential neighborhoods and compatibility with adjacent and nearby land uses are preferable. Projects that are located adjacent to land that has been developed or approved for development shall be scored as follows:

- a. > 0 -- 20% Adjacent to existing development, **one point**
- b. >20 -- 40% Adjacent to existing development, **two points**
- c. >40 -- 60% Adjacent to existing development, **three points**
- d. >60 -- 80% Adjacent to existing development, **four points**
- e. >80 -- 100% Adjacent to existing development, **five points**

Adjacent development is defined as contiguous property located within MH's city limits, urban service area, or urban growth boundary (UGB) and which is developed to its ultimate potential according to the city's General Plan or zoning of the property, or at least substantially developed according to the General Plan or zoning. To be considered substantially developed, at least ninety-five percent of the contiguous land area must be committed or developed to its ultimate use. Contiguous property does not include streets, railroad rights-of-way, or parcels held in fee title by a public utility or public agency containing above or below ground utilities such as gas pipelines, electric power transmission lines, or major water distribution pipelines.

County lands dedicated as a public facility or encumbered with an open space easement, or contiguous property within MH's UGB committed to an ultimate land use such as a city park, developed school site, or private open space will also be considered as adjacent development. Open space lands which are owned in private must have a public open space easement recorded over the corresponding area. For scoring purposes, undeveloped property which by September 15<sup>th</sup> of the fiscal year the competition is held has received either final map approval, or tentative map and development agreement approval for projects with previously completed phase(s), or for which building permits have been issued, shall be considered to be developed property. The perimeter established for the complete (master-planned) project will be used to determine adjacency for every RDCS submittal. Where previously allocated phases of the same project have been developed or have received final map approval and are immediately adjacent to an otherwise undeveloped external boundary, that portion of the project's perimeter shall then be considered developed, provided the project is making satisfactory progress according to the approved development schedule (project is not in default). (Ord. 1731, N.S. § 1, 2005)

The percentage of a property that is adjacent to development shall be that percentage of the combined length of the subject property lines which is determined to be contiguous to adjacent development as defined in this subsection. The subject property is defined as a single parcel or contiguous parcels of record on which the proposed project would be located and shall include that portion of the subject property designated for future development. A designated remainder parcel shall not be considered a portion of the subject property except where development on all or a portion of the remainder parcel is proposed as part of the current project application.

4. A proposed development which is a subsequent phase of a previously approved project that has been awarded allotments provides for the continuous extension of existing development.

a. A proposed development which is a subsequent or final phase of a previously allocated development and consists of 40 dwelling units or less shall be awarded one point. **(one point)** (Ord. 1731, N.S. § 1, 2005)

b. A continuing project will receive **two points** if one half of the units allocated for the fiscal year the competition is held have been issued building permits and on-site improvements for those units have been completed by September 15, AND all prior phases are under construction or completed (excluding customs). **(two points)** (Ord. 1731, N.S. § 1, 2005)

**OR**

If a proposed development is a continuing project and does not have any allocations for the FY the competition is held, the project will receive **two points** if all previous phases (if any) are under construction. (Ord. 1731, N.S. § 1, 2005)

**Note:** To qualify for any points under paragraph B4, the proposed development at total build-out, shall not exceed the number of units proposed in the original Development Application from which the project had been awarded an initial building allotment, unless approved by the Planning Commission prior to the competition's application submission deadline. The number of units requested for each subsequent fiscal year shall be no more than 25% above any single highest year allotment for the proposed project to a maximum of 40 units. The 25% or 40-unit limit includes any units already allocated to the project in that fiscal year as a result of a prior fiscal year competition. For Subsection B4a and B4b above, all prior allotments must also have an approved development agreement and the project must be in compliance with said agreement. (Ord. 1731, N.S. § 1, 2005)

5. Project Master Plan design is above average in terms of addressing internal street circulation and access requirements, appropriate transition of lot size and density within the development and with surrounding developments, and aggregation and use of common open space areas. **(minus one point, zero, one or two points)**

**Note:** Project Master Plan determined to be only satisfactory with respect to the above items will be awarded zero points. ~~Project Master Plan determined to be of a poor design will receive minus one point under this criterion.~~ A project will be awarded one point if no significant design flaws can be found, and the design gives strong consideration to the issues of circulation, access, density transitions, and the use of common open space. If a project master plan has two or more significant design flaws, it will be considered below average and one point will be taken away. A design flaw would be something that, at the subdivision stage, staff would ask to be modified or not recommend for Planning Commission approval. Significant design flaws would basically require the redesign of the master plan. For scoring purposes, that portion of an on-going project awarded a building allotment prior to October 1, 1999, shall not be considered within the Project Master Plan design, except where the inclusion of the earlier allocated phase(s) would result in a higher overall score. (Ord. 1731, N.S. § 1, 2005); Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 4, 2002; Ord. 1517

N.S. § 4, 2001; Ord. 1486 N.S. §§ 5 & 6, 2000; Ord. 1438 N.S. §§ 2 & 3, 1999; Ord. 1404 N.S. § 5, 1998; Ord. 1346 N.S. §§ 3 & 4, 1997; Ord. 1228 N.S. § 4, 1995; Ord. 1179 N. S. § 8, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

**18.78.240 Public facilities.**

A. "The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities.

**(10 points)"**

1. The public facilities which serve the Morgan Hill area can benefit by discriminate development which improves the existing systems. Many areas exist where improvements to the systems are needed. A proposed project should help alleviate the problem rather than aggravate it.

B. Standards and Criteria. **(Maximum ten points)**

1. A micro, small vertical mixed-use, or affordable project will receive **(three points)** if it meets all standard requirements for design and construction of public facilities. (Ord. 1731, N.S. § 1, 2005)

2. Installs public facilities of sufficient size to service the proposed development and future developments without the need to install supplemental facilities.

a. Grids water mains into the existing water system. **(two points)**

b. Drainage concept is consistent with the City's storm drain system. (e.g., the city's storm drain master plan, local area storm drain system). **(one point)**

c. Storm drain lines that are to be maintained by the city will be constructed entirely within the paved area of the street (curb to curb), or in a location acceptable to the Director of Public Works. **(one point)**

d. Storm drainage from the development is accommodated without the need for an on-site detention pond or open space retention areas, unless the on-site detention facility is appropriately located and sized so as to serve or coordinate with future area-wide or adjacent development. **(up to two points)**

**Note 1.** Applicants providing an oversized pond must supply information specifying how the pond sizing will address the area need and how other projects will be connected to the detention pond. The extra capacity provided must be stated in terms of the land area it can serve in acres and cubic feet. When the detention pond is not connected to other projects, the applicant must provide data satisfactory to the City's Public Works Department demonstrating the

detention pond's benefit to other off-site projects. This shall be in the form of an agreement letter included the application submittal. **Over sizing must equal 50 percent of the project drainage area or 10 acres, whichever is greater, to receive maximum points.**

**Note 2.** Applicants who use a regional detention facility, a detention pond from another development, or a Santa Clara Valley Water District facility must supply an authorization/approval letter with their application.

e. *Provides a pre-approved site within the project boundary for City municipal water well.* Applicant will contribute \$ 1100 per unit to the Local Drainage Non-AB1600 fund for off site storm drainage improvements, in addition to payment of standard fees. **YES ☐ , or NO ☐ (Contingent commitments will not receive points) (one point)**

f. Provides public facility, *off-site storm drainage improvements* or pedestrian improvements from a City-approved list or improvements on or adjacent to the project in excess of standard requirements, e.g., sewer, traffic control. In the Downtown Area, these improvements can include pedestrian amenities such as lighting, planters that function as seating, seating and railings to lean on, refuse and recycling bins, *traffic calming features, contribution to a public art fund or provides public art of appropriate value approved through the City's Library, Culture and Arts Commission, or provides gateway features*, consistent with the Downtown Plan. **(maximum four points)** (Ord. 1731, N.S. § 1, 2005)

**Note:** Under this criterion, the applicant needs to explain how and why the offered public improvements exceeds the city standards. Furthermore, the cost of the offered public improvements and dedication shall be equal to or greater than \$ 1100 per unit per point. Should the offered dedication and improvements be redundant to those offered under Section B.3 of the Circulation Efficiency (CE) category, the value of the redundant improvements will be reduced by \$ 1100 per unit per point for each point awarded under Section B.3 in the CE category. For example, if redundant improvements are valued at \$ 3300 per unit here, and 2 points were awarded for them in CE, then only 1 point would be awarded for them here. The improvements offered here and in the CE category also cannot be redundant of those improvements offered in Section B.3.a of the Schools category or B.5 B.4 of the Livable Communities Category. (Ord. 1731, N.S. § 1, 2005)

Emphasis will be placed on improvements on or adjacent to the project but consideration will also be given to projects that provide improvements within one mile beyond their project boundaries. **(one - four points)**

g. Applicant will contribute \$ 1100 per unit to the ~~Public Facilities Non-AB1600~~ **RDCS Capital Improvements** fund. YES \_\_, or NO \_\_ (Contingent commitments will not receive point) **(one point)**

**Note:** Proposed developments must be assigned a minimum passing score of five points under this category in order to qualify for building allotments.

Scoring for a multi-year/phased developments includes recognition all public facility improvements committed to be installed in the initial or previous phases of development (project completed to date vis-à-vis improvements completed to date). The initial or previous phase of development must also be in compliance with the development schedule approved for the project. (Ord. 1731, N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1228 N.S. § 5, 1995; Ord. 1179 N.S. § 9, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 1, 1991; Ord. 1034 N.S. § 1 (part), 1991)

#### **18.78.250 Parks and paths.**

A. "Provision of parks, foot or bicycle paths, equestrian trails or pathways.

**(10 points)"**

1. The Morgan Hill area has many natural amenities that should be made accessible to its residents. Access should be made readily available by using a variety of methods, including foot and bicycle paths, and equestrian trails. By providing the opportunities to experience the areas natural amenities, a healthier attitude towards caring for and preserving the environment will be encouraged.

B. Standards and Criteria.

1. In lieu of dedicating land, projects of ~~24~~ **50** units or less which are not providing parks are required to pay a fee to the city equal to the value of the land prescribed for dedication. The amount of park land dedication or in lieu fee must be consistent with the requirements contained in Chapter 17.28 of this code. For the land dedication to apply, the property must be deeded to the City for public park purposes. Not applicable to passive open space or landscape buffer areas deeded to a homeowners association. **(four points** for projects of ~~24~~ **50** units or less which are not providing parks) (Ord. 1731, N.S. § 1, 2005)

2. Provides privately owned and maintained on-site recreational amenities which are of greater value and utility from the following list. ~~Projects of 15-24 units may select from any category of amenities to count toward the score. Projects of 25-49~~ **50 or less** units will receive



credit for a maximum of one amenity from the one point category list. ~~To achieve maximum points, projects of 25-49 units must select additional amenities from either the two, three, or four point amenity categories.~~ Projects of *more than* 50 units ~~or more~~ will only receive credit for amenities provided from the two point or higher point category lists.(up to four points)

**Site Recreation Amenities**

<p><b><u>One point amenities:</u></b></p> <p>Shuffleboard Horseshoes Bowling green Open space turf areas <del>Cabana or Shade trellis area</del> Passive recreation area and/or gardens Passive water feature (e.g. fountain) Picnic/barbeque area</p>	<p><b><u>Three point amenities:</u></b></p> <p>Softball Field Sports Court Restroom area ½ scale Soccer Field Tot lots (age appropriate play equipment/minimum 3 activities) Basketball Court ( 2 hoops) Child wading pool</p>
<p><b><u>Two point amenities:</u></b></p> <p><i>Cabana or Shade trellis area</i> <i>Two picnic/barbeque areas</i> Volleyball court Outdoor racquetball/handball tilt-up wall Water feature (pond, creek area) <i>Artificial turf areas</i> Sauna Tree Grove as approved by the City's Architectural Review Board Community garden plots with water service ½ court basketball (one hoop) Bridle paths Bocce Ball Putting Green</p>	<p><b><u>Four point amenities:</u></b></p> <p>Child Care Facility Swimming Pool Tennis Court Recreation Hall Exercise Room Indoor racquet sports court Par 3 course and/or pitch and putt golf course</p>

Points will also be awarded for any proposed amenity found by the Planning Commission to provide recreation or meet the needs of the project residents to a level similar to provided by the above. Point values in the above chart are based on a ~~50-unit~~ project *50 units or less in size*. For projects of 51 to 100 units, divide the above values by two. For projects of 101 - 150, divide the above point values by three, etc.

3. Provides Class I bicycle pathways or equestrian trails along the project frontage, *or provides pedestrian paths consistent with the City's Trails Master Plan or Downtown Plan* in accordance with the overall community-wide and/or county-wide bicycle master plans. In areas where a Class I bike path is not required, the project provides necessary street improvements and striping for Class II bike lanes. The project must provide at least one quarter mile of Class II bike lane improvements for each 10 dwelling units within the project. **(one point)**

4. Projects located in the Downtown Area may be awarded up to ~~three~~ **one** point based on the following criteria:

a. The project provides **ground floor** mid block pedestrian connections through large buildings that provide access to public or private open space areas and plazas. For the criterion to apply, the pedestrian connection must be continuous and unrestricted **during business hours**. **(one point)**

~~b. The main project entries are oriented directly to the public streets to encourage connections through the existing network of sidewalks. **(one point)**~~

~~c. The project closes gaps in the pedestrian and bicycle network through replacement or extension of sidewalks, pathways or bike lanes beyond the project frontage. **(one point)** (Ord. 1731 N.S. § 1, 2005)~~

5. Proposed project will contribute toward the creation of a neighborhood park by providing a coordinated development plan which locates on-site parks and other permanent open space areas so as to allow expansion of these areas into adjoining future developments. A conceptual plan showing how the future park expansion may be implemented must be included in the project application. The conceptual plan shall identify the park area, list the number of amenities and show the layout of the amenities in the proposed park. Where necessary or appropriate, the plan should also allow these areas to be jointly utilized for storm water detention serving the proposed project and future area-wide development. **(two points)**

6. In addition to payment of standard park fees, applicant will pay the lesser of double the required in lieu park fees or \$ 1100 per point up to \$ 3300 per unit. **(up to three points) or**

7. Applicant (projects of ~~24~~ **50** units or less who do not provide a park) will pay the lesser of triple the required in lieu park fees or \$ 1100 per point up to \$ 6600 per unit. **(up to six points)**

8. Public or private parks provided by the project exceed the dedicated land requirements stated in Chapter 17.28 of the Morgan Hill Municipal Code. **(one point** if exceed the requirement by 20%, **two points** if exceed by 30%, or **three points** if exceed by 40%, or **four points** if exceeds by 50%).

**Note:** The number of recreational amenities required pursuant to Section 18.060 shall be based on the total number of dwelling units within the project, including secondary dwelling units as defined in Section 18.04.164 of this title.

Scoring for a multi-year/phased development includes recognition all recreational amenities provided in the initial or previous phases of development (amenities provided to date vis-à-vis project completed to date). The initial phase of development must also be in compliance with the development schedule approved for the project. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 8, 2002; Ord. 1517 N.S. §§ 6, 7 & 8, 2001; Ord. 1486 N.S. §§ 7 & 8, 2000; Ord. 1438 N.S. §§ 5 & 6, 1999; Ord. 1404 N.S. § 6, 1998; Ord. 1346 N.S. § 6, 1997; Ord. 1228 N.S. § 6, 1995; Ord. 1179 N.S. § 10, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

#### **18.78.260 Housing needs.**

A. "Provision of units to meet the city's need for low and moderate income and elderly housing and the extent to which such provision meets the goals of the housing element of the general plan, including the distribution of housing types to provide neighborhoods of ethnic and economic diversity.

**(15 points)"**

1. The city has an obligation to provide adequate housing for all segments of the population in a variety of lot sizes and dwelling types. It must do this in a fashion which creates diversified neighborhood environments and income groups, avoiding concentrations of any single income group in one particular residential neighborhood. A neighborhood mix of ethnic and economic diversity, as required by the housing element of the general plan will therefore be encouraged.

B. Standards and Criteria.

1. Provides affordable housing units for households ranging from very low to moderate income. Most units sold or rented at below market rates will receive increased density.

2. The project provides an additional 10 percent of its units as ~~moderate market~~ **moderate income** homes. ***To qualify as market rate, the unit must be sized to sell in the market to a moderate income household.*** These units would not participate in the City's BMR program but would be in addition to the project's BMR commitment. The final sales price (at close of escrow) for the units will be based on HUD income limits for a family of 4 at the closing date. This criterion does not apply to projects awarded points under criterion B.4.b below. **(two points)** (Ord. 1731 N.S. § 1, 2005

3. The project will receive **six points** if it chooses to pay the standard housing mitigation fee computed at ten percent of the total project.

4. Affordable Units For Sale:

a. Projects are eligible to receive points in this category based on the percent and level of affordability of below market rate units built within the project. When in the process of determining the number of below market rate units required, there occurs a fraction of a unit, any fraction less than .5 shall be paid as a corresponding fraction or percentage of the per unit cost of the standard housing mitigation fee. In phased developments, developer may carry the fractional share forward into succeeding phases until the fraction reaches .5 or higher. Any fraction of .5 or greater shall be deemed a requirement for one additional below market rate unit. The developer however, may continue to carry the partial credit forward into the next phase(s) of the overall development. Refer to the following charts to compute points. (Ord. 1731 N.S. § 1, 2005)

P o i n t s	10% or Greater BMR Commitment		5% BMR Commitment		Allowable Density Bonus
	Percentage of BMR units  LOW	Percentage of BMR units  MEDIAN	Percentage of BMR units  LOW	Percentage of BMR units  MEDIAN	
15*					
13	5	8			15%
12	8	3			12%
12	10				10%

\* Applicable to 100 percent affordable deed restricted projects. (Ord. 1731 N.S. § 1, 2005)

For projects that commit to provide a 5% low and 8% median income affordable commitment, in the final phase, where the fractional share of the low and median income units combine to equal .5 or above, the project shall be required to provide one additional median income unit as fulfillment of the project's overall affordable housing commitment. (Ord. 1731 N.S. § 1, 2005)

**Affordable Units For Rent:**

Applicable to 100 percent rental or non-profit agency sponsored project

**10% BMR Commitment**

**5% BMR Commitment**

P o i n t s	Percentage of BMR units  VERY LOW	Percentage of BMR units  LOW	Percentage of BMR units  VERY LOW	Percentage of BMR units  LOW	Allowable Density Bonus
15	10	0			10%
11	5	5			7%
7	0	10	5	0	4%

b. In lieu of BMR commitment, a Downtown Area project may be awarded points for overall housing affordability as follow:

- i. 100% of the units are affordable to less than moderate income households **(8 points)**, **OR**
- ii. 75% of the units are affordable to less than moderate income households and 25% of the units are affordable to less than median income households. **(10 points)** (Ord. 1731 N.S. § 1, 2005)

5. A project may also be awarded 13 points if at least 10 percent of the dwellings are affordable at below market rates and the BMR units are constructed in a joint venture with a non profit builder. The following criteria shall apply to the joint venture development:

- a. A letter of intent signed by both parties must be included with the RDCS application.
- b. The homes are to be built by the nonprofit agency through a self help building program or other applicable program approved by the City.
- c. The project must provide an area for a minimum of 8 BMR units as part of the joint venture agreement. If 10 percent of the project is less than 8 dwelling units, allocations above 10 percent of the project may be drawn from the affordable allotment set-aside if available, to achieve the 8 unit minimum.
- d. The price range and target income of the buyers shall be determined and approved by the City and non profit agency prior to the RDCS application.
- e. The site and architectural plans for the affordable units shall be shown on the plans and shall be considered part of the market rate application.

**Note:** If the applicant and non profit agency are unable to obtain the necessary funding, allotments, or encounter other obstacles and are unable to produce the affordable housing through the joint venture agreement; then the applicant will be required to choose one of the

other options to achieve 13 points under criteria B4 in this category. Any unused affordable building allotment transfer shall be returned to the affordable allotment set-aside category.

6. In addition to points awarded under criterion B.3 above, a Micro, Small, or any project having all lots in excess of 20,000 square feet, will receive **six points** if it chooses to pay double the standard housing mitigation fee computed at ten percent of the total project (including replacement units). (Ord. 1731 N.S. § 1, 2005)

**Note:** Proposed developments must be assigned a minimum passing score of eight points under this category in order to qualify for building allotments. (Ord. 1731 N.S. § 1, 2005; Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 9, 10 & 11, 2002; Ord. 1517 N.S. §§ 9 & 10, 2001; Ord. N.S. 1486 § 9, 2000; Ord. 1438 N.S. § 7, 1999; Ord. 1404 N.S. § 7, 1998; Ord. 1346 N.S. §§ 7 & 8, 1997; Ord. 1323 N.S. § 38, 1997; Ord. 1228 N.S. § 7, 1995; Ord. 1179 N.S. § 11, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

#### **18.78.270 Housing types.**

A. "The extent to which the proposed development itself consists of a diversity of housing types to meet the goals of the housing element of the general plan.

**(15 points)"**

1. In order to develop residential neighborhoods which have a mix of housing types, new residential construction should consider the existing composition of the neighborhood and plan its housing design accordingly.

B. Standards and Criteria

1. Provides for a diversity of housing types:

a. Utilizes a mix of the various housing categories to provide housing diversity as follows by housing type\* (a maximum of **seven points, two points** per housing type, excepting the 15% single story housing type which is worth **three points**).

**Note:** Rental projects will receive **seven points**. Owner-occupied single-family attached, mixed-use CC-R zoned projects and multi-family R2 and R3 and R4 zoned projects will receive **five points** for one housing type, and **seven points** for two or more housing types. (Ord. 1731 N.S. § 1, 2005 )

\* Housing Types are defined as follows:

- Single-family detached
- Single-family attached (includes one and two unit condominium buildings).

- *Vertical mixed use*; multi-family rental or stacked condominiums or condominium units in buildings containing three or more units.
- Custom lots
- Mobile homes
- Secondary dwelling units
- Single story dwelling units (must represent at least 15% of the total dwelling units)
- ~~Visitability units<sup>±</sup>~~
- ~~Small vertical mixed use (applies only to projects of 15 units or less in size)~~ (Ord. 1731 N.S. § 1, 2005)

For the above determination, the number of units for a particular housing type when divided by the total number of units in the project must represent at least ten percent of the total number of housing units in the development (fifteen percent for single story units). The ten percent requirement would be in addition to any housing type used for below market rate (BMR) units. Single story BMR units may be counted toward the fifteen percent overall requirement for single story units.

**Note:** The percentage requirements stated above are absolute figures. Rounding to the nearest whole number is not permitted. A minimum of 10 percent (fifteen for single story units) is required, i.e. rounding up to get 10 percent is not allowed.

b. Over and above the BMR units committed in this section, the project provides an additional 10% detached units in an R-2 project or an additional 10% attached units in an R-1 project or an additional 10% ownership (e.g., townhouse units) in an R-3 project. **(two points maximum)**

Projects that have both R-2 and R-1 zoning designations can receive one point for providing an additional 10% detached units in the R-2 project area and/or one point for providing an additional 10% attached units in an R-1 portion of the project.

**Note:** The 10 percent determination will be based on the overall project. For ongoing projects, this criterion will be applied to the remaining phases only. The percentage requirement stated above shall be an absolute figure, rounding to the nearest whole number is not permitted. A minimum of 10 percent is required, i.e. rounding up to get 10 percent is not allowed. This criterion only applies to for sale projects.

2. Provides for an economic diversity within the project.

a. The proposed project would augment the existing housing stock by providing housing which would be affordable under the income categories described below. A maximum of two points (or four points if for rent) may be awarded to projects which reserve a portion of the total units (see table below) as affordable to very low income households within 100 percent rental projects or low income (ownership units) in other projects.

**Note:** A Micro, Small, or any project where all lots are in excess of 20,000 square feet, will receive **two points** if it chooses to pay the standard housing mitigation fee computed at ten percent of the total project (including replacement units), or **four points** if it chooses to pay double the housing mitigation fee.

### For Sale Projects

	10% or greater BMR Commitment	10% or greater BMR Commitment	5% BMR Commitment	5% BMR Commitment
P o i n t s	Provides for 10%+ affordable units  LOW	Provides for 10%+ affordable units  MEDIAN	Provides for 5% affordable units  LOW	Provides for 5% affordable units  MEDIAN
4*				
2	5	8		
1.5	8	3		
1.5	10			

\* Applicable to 100 percent affordable projects. (Ord. 1731 N.S. § 1, 2005)

**Note:** If the applicant and non-profit agency are unable to obtain the necessary funding, allotments, or encounter other obstacles and are unable to produce the affordable housing through the joint venture agreement; then the applicant will be required to choose one of the other options to achieve the 2 points in this (for sale) category. Any unused affordable building allotment transfer shall be returned to the affordable allotment set-aside category.

### For Rent Projects

10% BMR Commitment

5% BMR Commitment



P o i n t s	Provides for 10% affordable units  VERY LOW/LOW	Provides for 10% affordable units  LOW	Provides for 5% affordable units  VERY LOW/LOW	Provides for 5% affordable units  LOW
4	10	0		
3	5	5		
2	0	10	5	0

(Ord. 1731 N.S. § 1, 2005)

3. *A project may be awarded points for housing variation under one of the following criteria:*

a. For single-family/ownership projects, the proposed project provides for a variation of housing sizes within the project. The proposed project provides at least a fifty percent variation in house size from the smallest to largest floor plan and each house size represents at least ten percent of the total units (~~four~~ **three points**). For purposes of making the above determination, there must be at least three (3) different floor plans and a one hundred twenty square foot difference between the sizes of each floor plan where the floor plans do not exceed 1,500 square feet (less than one hundred twenty square feet difference will be aggregated as one floor plan). Where the floor plans exceed 1,500 square feet, there must be a two hundred square foot difference between the sizes of each floor plan (less than two hundred square feet difference will be aggregated as one floor plan).

~~4. b.~~ For ~~small-vertical-mixed-use~~, multi-family projects, and 100% affordable ownership projects, the variation will be based on number of bedrooms. A project which provides one bedroom units only, will receive **one point**. A project which provides a mix of one and two bedroom units or two bedroom units only, will receive **two points**. A project which provides dwelling units with a mix of one, two and three bedroom units or dwelling units with three or more bedrooms only within the development, will receive ~~four~~ **three points**. Each bedroom category must represent at least ten percent of the total units. Affordable ownership projects must provide a minimum of three floor plans to be eligible for points under this criterion.

*~~5. c.~~ For small vertical mixed-use and Downtown Area projects, the variation will be based on number of studio, one and two bedroom units. A project which provides a mix of studio, one bedroom and two bedroom units will receive three points. A project which provides a mix of one and two bedroom units will receive two points. A project which provides dwelling units with two bedrooms only within the development, will receive one point. Each bedroom category must represent at least twenty percent of the total units. Note: Three bedroom units are allowed as part of the remaining percentage of the total dwelling units and will not affect the points given under this criterion.*

*4. A project providing at least 25 percent of the dwellings as visitability accessible units will be awarded one point. Visitability units are accessible dwellings that have one zero-step entrance on an accessible route; all main floor interiors, including bathrooms, with 32 inches of clear passage space; and at least a half bath on the main floor usable for a person in a wheelchair. (one point)*

(Ord. 1731 N.S. § 1, 2005)

**Note:** BMR units may not be used when determining housing size variations

**18.78.280 Quality of construction standards.**

A. "Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size, and height.

..... (15 points)"

1. The proposed project should create buildings that are responsive to the needs of its users and the environment, while also accomplishing it in an appealing and attractive manner. The overall project design should be compatible and harmonious with existing adjacent residential neighborhoods and land uses, while still maintaining its own special character.

B. Standards and Criteria.

1. Provides harmonious use of exterior building materials and varying front elevations with low repeat factors. A reverse floor plan does not count as a separate elevation. An elevation to be considered different must include significant modifications to the exterior appearance of the structure.

a. Floor plan & elevation repeats 0 -3.5 times: **one point**

For single family detached buildings, repeat factor is the total number of building lots divided by: the number of floor plans multiplied by the number of alternate elevations for each plan (i.e.: repeat factor = number of building lots/(floor plans)\*elevations).

For single-family attached or multi-family buildings, repeat factor is the number of structures divided by: the number of different footprints times the number of alternate elevations for each footprint (must have a minimum of two elevations within the project).

*For projects where all dwelling units are contained within a single building, the project will be scored as having no repeat elevations provided that each side of the building provides architectural interest consistent with the Design Review Ordinance (Chapter 18.74 of the Municipal Code) and Architectural Handbook and is designed consistent with requirements in the City's Downtown Plan (Downtown projects only).*

2. Uses design and construction that conserve resources:
  - a. Provides for energy conservation through the use of energy-efficient building techniques, materials, and appliances, such that the buildings consume less energy than allowed by California's Title 24 Building Energy Efficiency Standards, as documented in the energy compliance reports submitted at the time of application for building permits. **(Maximum five six points will be assigned under this criterion)** (Ord. 1731 N.S. § 1, 2005)
    - i. ~~Uses EPA "Energy Star" labeled windows with low-e coatings and vinyl or metal frames, and includes installation of a high-efficiency gas furnace of 90 percent efficiency rating or greater in all dwelling units. Applicant must specify how the 15 percent reduction in energy usage will be achieved. (two points)~~
    - ii. Provides two separately zoned high-efficiency heating systems in units over 3000 square feet, and units less than 3000 square feet whose floor plans allow effective dual-zoning. For maximum points, at least 60 percent of the dwelling units in the project must be dual-zoned and all units must include the installation of high efficiency gas furnaces with 90 percent efficiency rating or greater. **(up to two points)**
    - ii. ~~Installation of air conditioning units with high efficiency condensing unit with a SEER rating of 12 or higher. Must be installed in more than 60 percent of the dwelling units in the project. (one point)~~
    - iv. ~~Installation of a high-efficiency gas furnace with an efficiency rating of 90 percent or greater, in all units. Applicable only to projects that do not provide for a reduction in energy usage below Title 24 standards as specified in B2a(i) or the~~

~~separately-zoned heating systems as specified in B2a(ii) above. (one point)~~

- ii. Homes that utilize alternate energy sources, such as solar hot water, solar space heating or other energy saving methods not included elsewhere in the category.

~~(up to two four points)~~ (Ord. 1731 N.S. § 1, 2005)

- iii. *Project provides for use of alternative energy sources:*

a. At least 50% of the homes include solar electric panels for *alternative* power generation providing at least ~~25~~ 50% of the home electricity requirement. (one point)

*or*

b. *All homes provide for use of alternative power generation providing at least 50% of the home electricity requirement. (two points)*

~~Installation of a HERS (Home Energy Rating System) certified heating and air conditioning (HVAC) system with all duct work tested and certified to achieve a minimum 3 percent savings in the home energy budget. (one two points) (Ord. 1731 N.S. § 1, 2005)~~

- iv. *Homes include all energy-efficient features under the P.G.&E. New Homes Program. These features include tight construction and tightly sealed ducts; energy-saving windows; improved insulation; super efficient heating and air conditioning systems. (Installation of a HERS (Home Energy Rating System) certified heating and air conditioning (HVAC) system with all duct work tested and certified to achieve a minimum 3 percent savings in the home energy budget). (4 points)*

b. Provides for household water conservation through innovative building techniques that result in reduced water waste, and which exceed current city and state standards. For example, recirculating hot water system with demand pumping, or other water saving plumbing systems or features such as a separate grey water (recycled water) irrigation system *for household use*. Applicant must be specific in describing how the proposed system exceeds code requirements. Note: Not applicable to water conserving landscape irrigation systems such as sprinkler stations, timers or water saving sprinklers, etc. See scoring under Landscaping Category ~~(up to one point)~~

c. *Provides a grey water (recycled water) system for outdoor irrigation on at least 10 percent of the units. (up to one point)*

3. Uses materials and construction techniques that exceed current building requirements of the Uniform Building Code adopted by the city as follows:

a. Installation of cast-iron drainage pipe and piping insulation between floors for sound reduction of plumbing, and installation of future ready wiring concepts such as home running phone lines from all habitable rooms directly to main phone box rather than looping using RJ6 for television/video and high speed computer access, and CAT5R or equivalent for telephone lines. **(one point)**

b. Class A roof covering such as light weight concrete tile, architectural grade composition shingle or better and uses other materials and construction techniques that exceed current requirements, including, but not limited to glued and screwed sub-floors, insulation of interior walls for sound, TJI floor joists, and pre-plumb gas lines to dryer along with 220 volt outlet. Not applicable to foundation designs. Applicants must specify how the construction techniques would exceed code requirements **(one point)**

Applicant must be specific in describing how the proposed materials and construction exceed code.

4. Provides architectural variation and differentiation as follows:

a. Uses porches, balconies, for any area viewed from the public right-of-way or multi-unit courtyards interior to the project on at least 25% of units to promote a neighborhood feel **(two points)**

b. Uses at least two different roof lines and two different pitches throughout the project, i.e. gable, hipped, dormers, Mansard, etc. **(one point)**

c. Uses architecture and profiles and massing that conforms and works with the existing surrounding neighborhoods. Applicable only where a project adjoins an existing neighborhood on at least one side or twenty-five percent of the project's frontage. **(one point)**

d. Provides a consistent level of architectural relief and detailing on all four building elevations. Where two-story rear and/or side-yard building elevations occur, architectural relief shall include some third dimensional design element such as bay windows, balconies, covered porches, decorative trellis, etc. In addition, each standard trim and base color must represent no more than 15% (project size permitting) of the project. **(up to two points)**  
(Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§§§§ 14, 15, 16, 17 & 18, 2002; Ord. 1517 N.S. §§ 13 & 14 Ord. 1486 N.S. § 11, 2000; Ord. 1438 N.S. § 10, 1999; Ord. 1404 N.S. § 9, 1998; Ord. 1346 N.S. § 12, 1997; Ord. 1228 N.S. § 9, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

**18.78.290 Lot layout and orientation.**

A. "Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design consideration.

**(15 points)"**

1. The overall project's site design quality is largely dependent upon the layout of the individual lots. Variations in lot sizes and configurations must take place to accommodate changes in natural terrain and street design, although this is not to be construed as meaning that areas of consistent terrain need not have lot variations. The variations in lot size, shape, and layout would encourage a corresponding variation in house designs and orientations. Site design will incorporate the utilization of the sun and wind to the greatest extent possible for heating and cooling purposes.

B. Standards and Criteria.

1. Provides good site design considerations in all lot layouts.

a. In context of the overall project, avoids excessively deep or narrow lots. The project also must provide side yards at least 20 percent in excess of the minimum required to avoid crowding and to enhance spatial relationships. **(one point)**

b. Provides building separations in apartment or condominium developments that are at least 20 percent in excess of minimum code requirements. **(one point)**

c. Avoids excessive use of sharp angled lots which waste land and constitute poor building sites. **(one point)**

d. Avoids creating lots which require driveways greater than 150 feet in length for access. **(one point)**

e. A sufficient transition in lot sizes, or building sizes in R-3 developments, is proposed in the site plan design to allow compatibility between existing and proposed neighborhoods. **(one point)**

f. Over-all excellence of lot layout. Layouts deemed to be average will receive **zero points**, above average layouts will receive **one point**, and superior layouts will receive **two points**.

For scoring purposes points will be assigned as follows:

Average Project: A project requiring 2 or more major design changes, or which has 4 or more minor problems. **(zero points)**

Above Average Project: A project requiring 1 major design change, or which has 3 minor problems. **(one point)**

Superior Project: A project requiring no major changes and which has 2 or less minor problems. **(two points)**

~~This criterion shall not apply to that portion of the project awarded a building allotment prior to October 1, 1999, except where the inclusion of the earlier allocated phase(s) would result in a higher score.~~

2. Provides street design which complements lot layout and building orientation:
  - a. Locates streets and arranges units to provide park/open space area that is aggregated into large meaningful area(s) that are conveniently located within the development. **(one point)**
  - b. Locates streets, design lots, and arranges units to enhance neighborhood security by arranging a minimum of 75 percent of the units so that entrances are visible from the public right of way or private circulation areas. **(one point)**
3. Provides a variety of setbacks which complements the overall site design.
  - a. A minimum five-foot front setback variation is provided between adjoining units for single-family dwellings, and four-foot front setback variation is provided between adjoining buildings for multi-family developments. **(one point)**
  - b. A minimum five-foot rear setback variation for single-family dwellings, and four-foot rear setback variation for multi-family dwellings is provided between adjoining units. **(one point)**
  - c. The proposed project provides at least a four foot variation in standard lot widths (excluding cul-de-sac lots) and each lot width represents at least ten percent of the total lots. For purposes of making the above determination, there must be at least three different standard lot widths and at least a four foot difference in the width of each standard lot. **(one point)**
  - d. Uses garage placement to provide lot variation. At least 25% of Units have side-loading, detached, rear garages, or two car garages with tandem parking space to accommodate a third vehicle inside the garage. **(one point**, when 25% of the units have garage orientation as stated above; two points when 50% of the units have garage orientation as stated above). Multi-

family developments may satisfy this criterion by locating garages, carports, and parking spaces at the side or rear of buildings at locations not visible from the public right-of-way. **(up to two points)**

4. Uses lot layout and design techniques that reduce noise. Such techniques where appropriate include increased setbacks, significant landscape buffer areas, sound insulation board in the building construction, placement of air conditioning units away from property lines and side yard areas to minimize noise impacts to adjoining dwellings, etc. **(up to two points)**

5. For projects in the Downtown Area, ~~third-story~~ building setback areas *above the second story* are articulated with design elements that provide visual interest, such as use of outdoor decks and balconies. **(one point)**

6. In the Downtown Area, the project addresses building to building variation in the façade and building space above through use of architectural details such as bay windows, decorative belt courses, moldings around windows, and planter boxes, etc., that span from one building to another. **(one point)**

7. Downtown area projects will receive one point for providing shared parking (*used jointly by residential and non-residential uses*) and/or rear parking lots. **(one point)** (Ord. 1731 N.S. §1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 19 & 20, 2002; Ord. 1517 N.S. §§ 15 & 16, 2001; Ord. 1486 N.S. § 12, 2000; Ord. 1438 N.S. § 11, 1999; Ord. 1404 N.S. §§ 10 & 11, 1998; Ord. 1346 N.S. § 13, 1997; Ord. 1228 N.S. § 10, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

#### **18.78.300 Circulation efficiency**

A. "Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on-site and off-site traffic safety and privacy.

**(15 points)"**

1. An efficient circulation system is one which accommodates various regular transportation modes (walking, biking, private automobile and public transit) in a safe and unified manner. Future residential areas should incorporate design elements whenever possible to make these forms of transportation more convenient and safe for the users.

B. Standards and Criteria.

**Note:** Project scoring in this section shall be based on the overall project master plan and shall include improvements completed in previous phases of the same development.

1. Streets, access ways and parking are designed for safe and efficient circulation.

a. Local streets or access-ways interior to the project are designed to discourage fast traffic using curvilinear roads or traffic control devices. **(one point)**



- b. Provides for the future extension of streets for proper access or circulation to adjacent properties by providing one or more stubs or other improvement internal to the project. The future street extension(s) must be consistent with the General Plan or other adopted circulation plans. **(up to two points)** (Ord. 1731 N.S. § 1, 2005)
  - c. Provides for the future extension of drive aisles, or connections to shared access drives or adjacent parking lots. **(one point)** (Ord. 1731 N.S. § 1, 2005)
  - d. Interior streets and/or drive aisles are designed to meet all city safety and parking standards and allow for a looping pattern of circulation. **(one point)**
  - e. Eliminates existing stub or substandard streets. Frontage improvements will not apply to this criterion unless the improvements occur along an arterial or the project completes full width street improvements along the project frontage. **(up to two points)**
  - f. Avoids short blocks between existing and/or proposed streets. A short block is considered to be less than two hundred fifty two feet from centerline to centerline of streets. Within a project, an entry aisle less than two hundred fifty two feet from the entry is acceptable. This criterion is not applicable where a driveway and/or drive aisles and curb cuts are used to provide access to the entire project site. **(one point)**
  - g. Provides a minimum 20-foot clear view back-out distance between enclosed garage space and drive aisle. **(one point)**
  - h. When possible, access to the project is provided from at least two separate streets. If access to separate streets is not possible, there must be a minimum of two hundred feet between access points to the project on the same street. **(one point)**
  - i. Provides appropriate landscape islands and entry monuments/gateway features. **(one point)**
  - j. Project provides circulation to facilitate emergency response and patrol as determined by the fire chief and police chief. Off-set intersections are avoided. The project shall include specific information to provide for turnarounds and secondary access proposal for phased projects. **(one point)**
  - k. Project provides public parking in the Downtown Area consistent with the Downtown Plan (i.e., at mid block areas between E. Second and E. Third and E. Third and E. Fourth Streets, on the east side of Depot Street, etc.) **(up to two points)** (Ord. 1731 N.S. § 1, 2005)
- 2. Promotes the privacy of residential neighborhoods.
    - a. Internal project circulation is designed for use primarily by local residents. **(one point)**
    - b. Street layouts are designed to avoid the creation of undesirable situations such as double frontages, utility easements in rear or side yards of private property, or developable land locked property. **(one point)**

3. Provides for dedication and improvement of extensions to existing streets and shared parking lots outside of the project boundaries. The cost of the offered dedication and public improvements shall be equal to or greater than \$1100 per unit per point. Should the offered dedication and improvements be redundant to those made under 2f. of the Public Facilities (PF) section, points will be awarded here first and then any excess applied to the PF section. For example, if \$1500 per unit of improvements were recorded in this section and in PF, 1 point would be awarded here and \$400 per unit would be available to add to any non-redundant improvements made under the PF category, under Section B.3.a of the Schools category or under ~~B.5~~ **B.4** of the Livable Communities category.

Projects which offer to complete adjacent or nearby off-site public facility improvements which were committed to be installed by another project under a previously approved application will not receive points for the same commitment. **(Up to two points)** (Ord. 1731 N.S. § 1, 2005)

4. In R-3 and higher density mixed use projects, the proposed development minimizes conflicting back out movements by using single loading streets or drive aisles to access individual parking spaces. **(one point)**

5. In R-3 and higher density mixed use projects, interior parks and recreation amenities are located away from parking lots and circulation aisles. **(one point)**

6. Projects located in the Downtown Area may be awarded **up to four points** based on the following criteria: (Ord. 1731 N.S. § 1, 2005)

a. The project provides **ground floor** mid-block pedestrian connections through large buildings ~~that provide access to public or private open space areas and plazas~~. For the criterion to apply, the pedestrian connection must be continuous and unrestricted **during business hours**. **(one point)** (Ord. 1731 N.S. § 1, 2005)

b. The main project entries are oriented directly to the public streets to encourage connections through the existing network of sidewalks. **(one point)** (Ord. 1731 N.S. § 1, 2005)

c. The project closes gaps in the pedestrian and bicycle network through replacement or extension of sidewalks, pathways or bike lanes beyond the project frontage. **(one point)** (Ord. 1731 N.S. § 1, 2005)

d. The project provides bicycle parking with racks at convenient locations near building entrances and bus stops. **(one point)** (Ord. 1731 N.S. § 1, 2005)

**Note:** For B.3 above, emphasis will be placed on improvements for dedicated extensions of existing streets within one mile of the project. (Ord. 1731 N.S. § 1, 2005)

Proposed developments must be assigned a minimum passing score of **seven points**, or a minimum of **5 points** for Downtown Area projects under this category in order to qualify for building allotments. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 21, 2002; Ord. 1517 N.S. § 17, 2001; Ord. 1486 N.S. §§ 13 & 14, 2000; Ord. 1438 N.S. § 12, 1999; Ord. 1346 N.S. § 14, 1997; Ord. 1228 N.S. § 11, 1995; Ord. 1179 N.S. § 14, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

**18.78.310 Safety and Security**

A. "Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures.

(10 points)"

1. Residential structures should create the feeling of comfort and peace of mind by using design and materials that increase safety and security. The lighting, glazing, and positioning of non-private or semi-private areas, and access areas must facilitate their natural surveillance by residents and formal authorities.

B. Standards and Criteria.

1. Enhances safety and security as follows:

a. Provides fire escape ladders for upper floor bedrooms and one mounted fire extinguisher (rated 2A10BC) for up to the first 1,500 square feet of floor space, and one additional extinguisher for each additional 1,500 square feet of floor space or fraction thereof.

(1/2 point)

b. Provides a first aid kit with a poison control document to be installed in the kitchen area of the home. (1/2 point)

c. Any other fire protection device or construction technique approved by the fire chief not already required according to the Uniform Fire Code. ( 1/2 point).

d. Provide outdoor lighting to meet all police department specifications. ( 1/2 point)

e. Install illuminated address numbers for each unit and painted reflective curb numbers where possible. (one point)

f. Any other intrusion protection device or construction technique approved by the police chief. (1/2 point)

**Note:** Application must stipulate that the reflective painted curb addresses will be maintained by a homeowners association. A Small or micro project will receive **one point** without the requirement for painted curb addresses.

2. Use of noncombustible siding materials in the following manner:

- a. **One point** when noncombustible siding is used on at least 50 percent of the total units and on at least 50 percent of the siding of an individual unit, or;
  - b. **Two points** when noncombustible siding is used on at least 50 percent of the total units and comprises at least 75 percent of the siding of an individual unit, or;
  - c. **Two points** when noncombustible siding is used on at least 75 percent of the total units and comprises at least 50 percent of the siding of an individual unit.
3. Installation of an intrusion, fire alarm and heat detector system, monitored by a central station, or to include auto dialer which meets City ordinance. For multi-family projects, points will be awarded for a fire alarm system without central monitoring, and NO intrusion system. **(two points; three points** when the developer includes a one-year monitoring contract with the home purchase and commits to deliver to the homeowner a City specific responsible listing card that the City Police Department can keep on file )
4. Provides residential fire sprinkler system according to NFPA Chapter 13D specifications **(three points)**
5. Neighborhood Emergency Preparedness Program administered through a homeowners association or central property management. **(one point)**
6. Developer to provide a hardwired carbon monoxide detection device or devices with battery backup. The installation of the devices are to be located per manufacturer's requirement with at least one detector per floor of the residence. **(one point)**
7. The developer shall include provisions in the Covenants, Conditions and Restrictions (CC&R's) of the Homeowner's Association which directs a Board representative to the City of Morgan Hill Police Department's Community Service Officer to enact a neighborhood watch program to be established as part of the first phase of the development. For rental projects, neighborhood watch programs shall be administered through a central property management. **(one point, criterion does not apply to small or micro projects)**

**NOTE:** Proposed developments must be assigned a minimum passing score of **five points** under this category in order to qualify for building allotments. (Ord. 1677 N.S. § 1, 2004; Ord. 1575 N. S. § 22, 2002; Ord. 1517 N.S. § 18, 2001; Ord. 1486 N.S. § 15, 2000; Ord. 1346 N.S. § 15, 1997; Ord. 1228 N.S. § 12, 1995; Ord. 1179 N.S. § 15, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 2, 1991; Ord. 1034 N.S. § 1 (part), 1991)

**18.78.320 Landscaping, screening and color.**

- A. "Site and architectural design quality as indicated by the amount and character of landscaping and screening and color of buildings..... **(10 points)"**

1. All trees, shrubs, ground cover, walls and fences, mounding, landscape furniture, paths, lighting, etc., should be compatible with the topography and other characteristics of the site, the character of adjacent quality landscaping, and the architectural features of adjacent structures. Efficiency in exterior design and landscaping is an important part of the character of a home. A gain can be made in terms of heating and cooling, noise abatement and pest control. The functions of plants should be the basis for their use in environmental design.

B. Standards and Criteria. **(Maximum ten points)**

**(Note:** Custom lots and custom lot developments may receive points in pertinent sections below where landscaping will be provided by the lot owner. This requires development agreement commitments being recorded against each such lot, including a statement that landscaping requirements must be in place or bonded prior to receiving City approval for occupancy.)

1. Uses landscaping techniques that enhance the quality of the site.
  - a. Applicant agrees to provide twenty-four inch box-size trees, *including street trees* from a city approved list, with a minimum height of nine feet and a spread of three to four feet. The box-size trees will be provided within the development at a ratio of one box-size tree per ten trees provided with the landscape area to be installed by the developer. The one box size tree per ten trees calculation does not include street trees. **(one point)**
  - b. Provides sufficient planting around all necessary and appropriate group parking to achieve shading and visual screening as viewed from the public street. **(one point)**
  - c. Varied front yard landscaping plans are installed by the developer. For multi-family projects, this criterion shall apply to vary landscaping installed along the project frontage and for the landscaping installed in front of the buildings in the interior portions of the project. **(one point)**
  - d. Deciduous trees will be planted along the south facing side of homes or buildings to conserve energy by giving shade in the summer and maximum solar gain in the winter. **(one point)**
  - ~~e. All street trees are twenty-four inch box trees from the city approved list. **(one point)** (Ord. 1731 N.S. § 1, 2005)~~
  - e. Project provides or conforms to a Street Tree Master Plan that addresses tree selection, location of trees on each lot, proper tree spacing, and preservation of any existing trees (excluding orchard trees). **(one point)** (Ord. 1731 N.S. § 1, 2005)
2. Landscape planting and irrigation systems are designed to conserve water usage.
  - a. Drought tolerant grasses are used for lawn areas and no more than twenty-five percent of the landscape area is covered with lawn. The twenty-five percent lawn coverage calculation is exclusive of landscape area within parks. **(half point)**

b. Automatic irrigation systems utilize separate valves and circuits for trees; shrubs and ground covers; and lawn areas. Minimum of three separate valves required. A separate valve shall be provided for the following areas: front lawn, rear lawn, and for trees, shrubs and groundcover (combined) where viable. If trees, shrubs, and groundcover cannot be combined under 1 valve, a separate valve for trees shall be provided, resulting in a minimum of 4 separate valves required. Water conserving irrigation system is also used within the development, i.e., drip irrigation. **(half point)**

c. The landscape to be installed by the developer will include *pervious* hardscape coverage such as decorative paving, wood decking, decorative stone and similar non-irrigated areas on at least fifteen percent of the landscape area. Pedestrian walkways across circulation aisles are not included in this item. **(half one point)**

d. ~~For at least 75% of all plant material, uses water conserving plants contained on the Selected Plant List, Appendix A of the City Water Conservation Landscape Guide.~~ *All other planting in non turf areas shall be composed of low to moderate water use plants identified in Water Use Classification of Landscape Species Guide or East Bay Municipal Utilities District's Plants and Landscape for Summer-Dry Climates of the San Francisco Bay Region or other species, including native plants, that are well adapted to the climate of the region and require minimal water once established.* **(half one point)**

e. Uses a separate water source (e.g., well, import or recycled water) to irrigate common area landscape areas and front yard areas that are maintained by a homeowners association. **(up to two points)**

f. Project connects to an existing water supply separate from the City's water system (e.g., an off-site irrigation well) for landscape irrigation. Applies to small and micro projects only. **(one point)**

3. Landscaping is installed on all areas visible from public and private rights-of-way. **(one point)**

4. Project uses pervious pavement in all open parking lots, driveways and sidewalk areas to minimize drainage runoff. Project must be located in an area of rapid soil permeability for criterion to apply. **(two points)** (Ord. 1731 N.S. § 1, 2005)

5. Downtown Area project uses building color to enhance architectural details and add to the visual interest of facades. **(one point)** (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1517 N.S. § 19, 2001; Ord. 1438 N.S. § 13, 1999; Ord. 1346 N.S. § 16, 1997; Ord. 1304 N.S. § 3, 1996; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

**18.78.330 Natural and environmental features.**

A. "Site design quality in adapting the development to the setting, including the preservation of vegetation, trees, natural terrain, and other natural and environmental features.

**(10 points)"**

1. The proposed development should always adapt itself to the environment rather than vice-versa. The residences and supportive infrastructure shall be designed with nature in mind, by following the natural form of the land, preserving unique natural features and environmentally sensitive areas, arranging building sites around existing trees, and "blending in" the development to the surroundings.

2. A high quality project is one that uses what is available but also improves the total environment for the people who live within and nearby.

B. Standards and Criteria.

1. The proposed development utilizes environmental preservation techniques.

a. Foundation types are designed to minimize grading of the site and road alignment follows and maintains existing ground elevation to the greatest extent possible. Minimal grading is considered a fill or excavation of less than two feet in depth (three feet is acceptable for detention ponds). **(one point)**

b. Restricts the amount of runoff caused by impervious surfaces and the covering of land area suitable for percolation *or uses bio-swales* where applicable. **(one point)**

c. Each building site preserves significant trees as defined in Section 12.32.020G of the Morgan Hill Municipal Code, but also allows enough flexibility in the final location of the final house design to fit the house to individual trees and detailed grade characteristics. **(one point)** **Note:** Requires an arborist report to confirm that the tree(s) are significant and the condition or health of the tree(s) are suitable for preservation. (Ord. 1731 N.S. § 1, 2005)

d. Preserves the natural setting by locating park or common open space areas around significant trees. **(one point)** (Ord. 1731 N.S. § 1, 2005)

e. *Provides a grey water system for outdoor irrigation. (two points)* ~~Considers, preserves or improves natural conditions on or adjacent to the site such as wildlife habitats, streams, those watercourses the Santa Clara Valley Water District recognizes as creeks (Llagas, Little Llagas, Fisher, and Coyote creeks) when appropriate and preserves riparian habitats in a natural state. Scoring will be as follows:~~

~~\_\_\_\_\_ i. Project has such a site and does NOT preserve/improve it. (minus one point)~~

~~\_\_\_\_\_ ii. Project has no such site. (zero points)~~

~~\_\_\_\_\_ iii. Project has such a site and preserves and improves the natural conditions. (up to two points)~~

~~(Note: Only improvements made to an on-site area qualify for maximum points.)~~

2. The proposed development creates an environment that enhances the quality of life for the people who live in the development and the local neighborhood.

a. Uses design and layout techniques that give individuals maximum privacy within and outside the homes. Such techniques include the off set of windows between units, alternating outdoor patio areas and entrance and consideration of fence height in relation to grade changes. **(one point)**

b. Uses various site development practices to protect existing open space, hillsides, and agricultural land *or appropriate development next to creeks consistent with the Downtown Plan (Downtown projects only) and consistent with the Santa Clara Valley Water District's Guidelines and Standards for Land Use Near Streams* with maximum points awarded for the protection of areas external to the project. **(up to two points)**

c. Arranges buildings, access-ways and locates parking areas and open space to minimize the use of sound walls next to the freeway, the railroad tracks, arterial or collector streets. **(two points)**

3. Project reduces construction waste sent to landfill sites by agreeing to implement at least two of the following recycling methods during construction: **(one point)**

- i. Dry wall is source separated and recycled;
- ii. wood waste is source separated for recycling or composting;
- iii. cardboard containers and boxes are source separated and recycled.

4. ***Project provides for use of alternative energy sources:***

a. At least 50% of the homes include solar electric panels for *alternative* power generation providing at least ~~25~~ 50% of the home electricity requirement. **(one point) or**

b. ***All homes provide for use of alternative power generation providing at least 50% of the home electricity requirement. (two points)***

5. Project incorporates the following Green Building Design Concepts:

- i. Uses certified Forest Stewardship Council (FSC) plywood **(1/2 point)**
- ii. Uses building insulation with minimum 25% recycled content **(1/2 point)**
- iii. Uses light exterior roof colors to reflect the sun's heat. **(1/2 point)**
- iv. Uses low to zero emission volatile organic compounds (VOC) and adhesives. **(1/2 point)**. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1517 N.S. § 20, 2001; Ord. 1438 N.S. § 14, 1999; Ord. 1404 N.S. § 12, 1998; Ord. 1346 N.S. §§ 17 & 18, 1997; Ord. 1228 N.S. § 13, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)



**18.78.335 Livable Communities.**

A. "The extend to which the proposed development exhibits overall project excellence and/or incorporates or otherwise embodies the concept of Livable Communities, such as proximity to transit, pedestrian orientation, efficiency of street system, mixed use, infill and maximization of use of existing infrastructure.

**(10 points)"**

**B. Standards and Criteria**

1. Proposed project phase(s) are subjectively judged by the Planning Commission to be superior with respect to overall project excellence. **(two points** when awarded by a super majority of the voting members, or **one point** when awarded by a majority of the voting members of the Planning Commission)

**Note:** The determination of project excellence will include input from the Building and Planning Divisions and the Public Works Department regarding the performance of the developer during any previous building permit processes. The timeliness and accuracy of the application submittal by the developer for any previous project will be an important consideration. Negative performance factors include more than two plan checks and/or projects which submit for building permits prior to ARB approval and prior to application for Final Map approval. No recommendation will be provided for developers who have not previously built in the City.

~~2. Provides low maintenance on-site walkways and on-site bike paths throughout the development to maximize their use and promote safety. This criterion does not apply to city standard sidewalks, or where the provided path is adjacent to city standard sidewalks. (one point)~~

3 2. Encourages the use of public transportation in residential areas by constructing bus shelters, benches, reinforced street sections or bus pullout areas **and** these improvements are located on an approved or planned Valley Transportation Agency (VTA) transit route and accepted by the VTA for maintenance. A letter from the VTA shall be submitted confirming VTA's acceptance and maintenance of the proposed bus stop. For planned bus routes, the VTA letter shall provide confirmation of the future bus route extension. This criterion may apply to a bus stop constructed in the initial or previous phase that would serve subsequent phases of the same development. **(one point)**

4 3. Project is located within a quarter mile walking distance of the bus stop or other transit facility (the W. Main/Hale Park & Ride Facility, Caltrain Station or Route 68 regional transit line). **(two points; one point** if the project is within ½ mile walking distance of the above transit facilities ~~or a ¼ mile of other approved bus routes)~~

5 4. Provides access to stores, services, schools, employment areas by constructing sidewalks where it does not currently exist within a quarter mile of the development. The cost of the sidewalk improvements shall be equal to or greater than \$1100 per unit per point. A value greater than \$1100 per unit can be credited to other categories (Schools, Public Facilities or Circulation) **(one point)**

6 5. Creates a continuous building frontage along the streetscape with buildings fronting on public streets, and applies the Valley Transportation Authority's standards for walking distance to amenities such as stores, services, schools and major employment centers. **(one point)**

7 6. Project is designed as "vertical mixed use" with retail/commercial on the ground level and residential above. Larger mixed use projects that combine commercial and residential uses will receive **maximum points** in this category only to the extent that the residential and commercial uses are well integrated with each other, sufficient pedestrian connections between uses exist and parking ~~fields~~ **lots** are minimized from the public view **(up to two points)**

8 7. Builds to planned densities. Downtown Area projects that build in the upper one third of the allowable density range will be awarded two points; projects that build to the upper 15 percent of the density range will be awarded **three points**. (Ord. 1731 N.S. § 1, 2005)

9 8. Projects in the Downtown area are designed to fill in on existing utilities and require no new streets or infrastructure improvements. The existing infrastructure (sewer, water, storm drain and streets), must be of sufficient capacity to serve the development. ~~(two one point)~~ **(one point)** (Ord. 1731 N.S. § 1, 2005)

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